

EPA-R5-2017-008149RR-1

Yone Yu/R5/USEPA/US

09/20/2007 02:47 PM

To Kevin Pierard

cc Wendy Melgin

bcc

Subject Re: Fw: Solar Sources, Inc., Cannelburg Mine

So, you mean to say that they're still mining out there without a C&D in place? Is that how it works with these mining outfits?

The inspection report says that Solar Sources intended to apply for a permit by July 2006, but none ever came through the Corps. So the Corps conducted a compliance inspection that uncovered this violation. I've looked up some aerial photos, and this mine has been operating for many years already... the earliest aerial is from 1998, but they've probably mined longer than that. Unless they obtained permits back then, there are probably historical impacts to Waters of the U.S. as well as the current violations.

Yone

Kevin Pierard/R5/USEPA/US

Kevin Pierard /R5/USEPA/US

09/20/2007 08:07 AM

To Wendy Melgin/R5/USEPA/US@EPA, Yone

Yu/R5/USEPA/US@EPA

cc

Subject Fw: Solar Sources, Inc., Cannelburg Mine

Please review. I did not agree to take this case, simply asked them to send us some preliminary info for review. It will be very important to discern what the COE told them regarding continuing to operate without a permit or while an application is reviewed. From our conversation I do not believe they ever applied.

----- Forwarded by Kevin Pierard/R5/USEPA/US on 09/20/2007 08:04 AM -----

"Werner, Sam E LRL "

<Sam.E.Werner@usace.army

.mil>

09/20/2007 07:59 AM

To Kevin Pierard/R5/USEPA/US@EPA

cc

Subject Solar Sources, Inc., Cannelburg Mine

Kevin,
Attached please find documentation for the Solar Sources, Inc., Cannelburg Mine located in Daviess County, IN, that we discussed on the phone on Sept. 12. If you are interested in the case that would be great as they are repeat violators. If you need any additional information I would be happy to supply it.
Thanks,

Sam Werner

[attachment "Cannelburg violation.pdf" deleted by Yone Yu/R5/USEPA/US]

EPA-R5-2017-008149RR-2

"Kratt, Kevin"
<Kevin.Kratt@tetrattech.com>
03/07/2008 01:31 PM

To ChristineA Anderson, SMEDRANO, SGOODWIN,
APELLOSO, Gaylene Vasaturo
cc Dean Maraldo, David Werbach
bcc
Subject RE: Comments on the Busseron Creek TMDL from the
Indiana Coal Council

Here is the call-in number for the Busseron call:

Date/Time: March 13, 2008 at 11:00 AM America/New_York (10:00 AM Central)

Exemption 6

Kevin Kratt | Director, Water Resources Group
Direct: 216.861.2950 x101 | Fax: 216.861.2960
kevin.kratt@tetrattech.com

Tetra Tech | Complex World, Clear Solutions

1468 W. 9th Street, Suite 620 | Cleveland, OH 44113 | www.ttwater.com

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From: Anderson.Christinea@epamail.epa.gov [mailto:Anderson.Christinea@epamail.epa.gov]
Sent: Friday, March 07, 2008 11:07 AM
To: Kratt, Kevin; SMEDRANO@idem.IN.gov; SGOODWIN@idem.IN.gov; APELLOSO@idem.IN.gov;
Vasaturo.Gaylene@epamail.epa.gov
Cc: Maraldo.Dean@epamail.epa.gov; Werbach.David@epamail.epa.gov
Subject: Fw: Comments on the Busseron Creek TMDL from the Indiana Coal Council

Ok,

Thursday, 3/13 seemed to work the best for most schedules. Let's have our call this day at 10 am (CST). Kevin will be providing the call-in number in a future email. For the EPA folks, we'll meet in room 1612B.

Christine

----- Forwarded by ChristineA Anderson/R5/USEPA/US on 03/07/2008 09:55 AM -----

**ChristineA
Anderson/R5/USEPA/US**

03/06/2008 10:11 AM

To Kevin.Kratt@tetrattech.com, SMEDRANO@idem.IN.gov, SGOODWIN@idem.IN.gov,
APELLOSO@idem.IN.gov
cc Dean Maraldo/R5/USEPA/US@EPA, David Werbach/R5/USEPA/US@EPA
Subject Re: Fw: Re: Comments on the Busseron Creek TMDL from the Indiana Coal Council [Link](#)

Subject

Comments on the Busseron Creek TMDL from the Indiana Coal Council

All - we've received this from the Indiana Coal Council. For our colleagues at EPA, we would really like your thoughts on a response to the large set of allegations that this TMDL is not following EPA guidance and rules. For Tetrattech - there are number of comments that speak to errors or inconsistencies in the language of the TMDL. I'd like you to take the lead on responses to those. We'll be meeting on our end to figure out what we need to do as well,

Andrew Pellosso

NPS/TMDL Section

IDEM-OWQ

From: Nat Noland [mailto:admin@indianacoal.com]
Sent: Wednesday, March 05, 2008 4:58 PM
To: MEDRANO, SELENA
Subject: Busseron Creek Watershed TMDL

Ms. Medrano:

Attached is an email version of our comments regarding the proposed Busseron Creek Watershed TMDL. A hard copy of these comments on our letterhead was placed in the U.S.mail at 11:27 am this morning. We are looking forward to working with IDEM to resolve issues discussed in our comments.

Nat Noland

Indiana Coal Council, Inc.

317-638-6997

- Busseron Creek TMDL Comments.doc

[attachment "Busseron Creek TMDL Comments.doc" deleted by ChristineA Anderson/R5/USEPA/US]

EPA-R5-2017-008149RR-3

"Kratt, Kevin"
<Kevin.Kratt@tetrattech.com>
04/08/2008 12:43 PM

To ChristineA Anderson, David Werbach, "MEDRANO,
SELENA", "GOODWIN, STACI"
cc
bcc
Subject RE: Manganese (Busseron TMDL)

Sorry - just got in from St. Louis. Here is the number:

Date/Time: April 08, 2008 at 02:00 PM
America/New_York

Exemption 6

I've also attached a draft Executive Summary for review.

Kevin Kratt | Director, Water Resources Group
Direct: 216.861.2950 x101 | Fax: 216.861.2960
kevin.kratt@tetrattech.com

Tetra Tech | Complex World, Clear Solutions
1468 W. 9th Street, Suite 620 | Cleveland, OH 44113 | www.ttwater.com

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-----Original Message-----

From: Anderson.Christinea@epamail.epa.gov
[mailto:Anderson.Christinea@epamail.epa.gov]
Sent: Tuesday, April 08, 2008 1:02 PM
To: Werbach.David@epamail.epa.gov
Cc: Kratt, Kevin
Subject: Fw: Manganese (Busseron TMDL)

I'll check with Kevin for the phone number, he normally sends one out. I won't be attending today's call, but I've asked Kevin if he could provide an update of the call...

----- Forwarded by ChristineA Anderson/R5/USEPA/US on 04/08/2008

11:49
AM -----

David
Werbach/R5/USEPA
/US
04/08/2008 11:33
AM

To
ChristineA
Anderson/R5/USEPA/US@EPA
cc
Subject
Re: Fw: Manganese (Busseron TMDL)
(Document link: ChristineA
Anderson)

Do we have a number for the call today?



Executive Summary.doc

EPA-R5-2017-008149RR-4

"GOODWIN, STACI"
<SGOODWIN@idem.IN.gov>
05/29/2008 10:00 AM

To David Werbach
cc
bcc

Subject RE: TMDL call Wednesday- UPDATE

TMDL updates for Indiana
Busseron expected submission date early July.
South Fork Wildcat Creek expected submission date early June .

-----Original Message-----

From: Werbach.David@epamail.epa.gov
[mailto:Werbach.David@epamail.epa.gov]
Sent: Tuesday, May 27, 2008 4:00 PM
To: Werbach.David@epamail.epa.gov
Cc: anderson.christineA@epa.gov; PELLOSO, ANDREW;
Urban.Christine@epamail.epa.gov; Corinne Billings;
david.l.johnson@pca.state.mn.us; Maraldo.Dean@epamail.epa.gov; Dean
Studer; Keclik.Donna@epamail.epa.gov; howard.markus@pca.state.mn.us;
Chruscicki.Jean@epamail.epa.gov; jeff.risberg@pca.state.mn.us;
jennifer.clarke@illinois.gov; Socha.Julianne@epamail.epa.gov;
mike.eppley@illinois.gov; Nicole Richmond; saylesb@michigan.gov;
GOODWIN, STACI; Manoyan.Simon@epamail.epa.gov;
trevor.sample@illinois.gov; trinka.mount@epa.state.oh.us;
Rivera-Carrero.Vilma@epamail.epa.gov
Subject: Re: TMDL call Wednesday- UPDATE

Correct conference code - 3123539287

(See attached file: agenda May 08-revised.doc)

David
Werbach/R5/USEPA
/US

05/27/2008 02:46
PM

Meeting

To
cc

Subject
TMDL call Wednesday

For some reason, this did not get out when I sent it remotely. Stupid

computers.

Anyway, we will have a call tomorrow; same time Exemption 6

(Line A).

[attachment "agenda May 08.doc" deleted by David Werbach/R5/USEPA/US]

Please send TMDL updates as soon as possible. Thanks!!

Dave

EPA-R5-2017-008149RR-5

"Kratt, Kevin"
<Kevin.Kratt@tetrattech.com>

07/01/2008 03:07 PM

To ChristineA Anderson, David Werbach, "GOODWIN, STACI",
"MEDRANO, SELENA"

cc

bcc

Subject Busseron Call

Here is the number for tomorrow's Busseron call at 1:00 Central/2:00 Eastern:

Date/Time: July 02, 2008 at 02:00 PM America/New_York

Exemption 6

[REDACTED]

[REDACTED]

My notes indicate that the primary purpose of the call is to discuss who will be taking the lead to address each of the original comments that we received.

Kevin Kratt | Director, Water Resources Group

Direct: 216.861.2950 x101 | Fax: 216.861.2960

kevin.kratt@tetrattech.com

Tetra Tech | Complex World, Clear Solutions

1468 W. 9th Street, Suite 620 | Cleveland, OH 44113 | www.ttwater.com

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EPA-R5-2017-008149RR-6

"Kratt, Kevin"
<Kevin.Kratt@tetrattech.com>

07/15/2008 04:55 PM

To ChristineA Anderson, David Werbach, "GOODWIN, STACI",
"MEDRANO, SELENA"

cc

bcc

Subject Busseron Call

Here is the number for our Busseron call tomorrow:

Date/Time: July 16, 2008 at 10:00 AM America/New_York

Exemption 6

[REDACTED]

[REDACTED]

[REDACTED]

Kevin Kratt | Director, Water Resources Group

Direct: 216.861.2950 x101 | Fax: 216.861.2960

kevin.kratt@tetrattech.com

Tetra Tech | Complex World, Clear Solutions

1468 W. 9th Street, Suite 620 | Cleveland, OH 44113 | www.ttwater.com

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EPA-R5-2017-008149RR-7

Wendy Melgin /R5/USEPA/US

04/27/2009 08:24 AM

To "Townsend, James M LRL"

cc Kevin Pierard

bcc

Subject RE: coal projects

Ok, 1 pm central time, here is call in information:

Exemption 6

-----"Townsend, James M LRL" <James.M.Townsend@usace.army.mil> wrote: -----

To: Wendy Melgin/R5/USEPA/US@EPA
From: "Townsend, James M LRL" <James.M.Townsend@usace.army.mil>
Date: 04/27/2009 08:19AM
cc: Kevin Pierard/R5/USEPA/US@EPA
Subject: RE: coal projects

Yes, thank you.

-----Original Message-----

From: Melgin.Wendy@epamail.epa.gov [<mailto:Melgin.Wendy@epamail.epa.gov>]
Sent: Monday, April 27, 2009 8:57 AM
To: Townsend, James M LRL
Cc: Pierard.Kevin@epamail.epa.gov
Subject: RE: coal projects

Jim, does 1 pm central time work? I'll send a call in number if I get one.
Thanks.

EPA-R5-2017-008149RR-8

**David
Werbach/R5/USEPA/US**
07/22/2009 09:25 AM

To "PELLOSO, ANDREW"
cc "Renshaw, Marylou"
bcc sgoodwin
Subject Re: FW: TMDL monthly call

Andrew:

Yes and yes. I was asking for an update on the status of the TMDL report, and a timeframe for submittal to our office for final review. I'm not clear on the status, since that last public notice in fall 2008, and as far as I know, there are no technical concerns regarding the TMDL. Since the EPA has spent over \$164K on the contract, we would like to finish this project ASAP.

I attended the Division Director call yesterday, and Bruno said he understood that the TMDL was in the IDEM pipeline undergoing final review and polishing, and he would get us a timeline for submittal very soon. Let me know if this is not correct.

Please let me know if there is anything we can do to assist you on this. It has been almost a year since the last public notice, and this TMDL really needs to be completed.

Dave

"PELLOSO, ANDREW" <APELLOSO@idem.IN.gov>

**"PELLOSO, ANDREW"
<APELLOSO@idem.IN.gov>** To
07/21/2009 03:28 PM

Subject FW: TMDL monthly call

Dave - Staci forwarded your email to me. When you say you want to know about Busseron, what exactly do you want as a report? Where we are in the process? When we will submit the TMDL?

Andrew Pelloso
NPS/TMDL Section
IDEM-OWQ

-----Original Message-----

From: GOODWIN, STACI
Sent: Tuesday, July 21, 2009 3:15 PM
To: PELLOSO, ANDREW
Subject: FW: TMDL monthly call

-----Original Message-----

From: Werbach.David@epamail.epa.gov
[mailto:Werbach.David@epamail.epa.gov]
Sent: Tuesday, July 21, 2009 12:55 PM
To: GOODWIN, STACI
Subject: RE: TMDL monthly call

Busseron.

"GOODWIN, STACI"
<SGOODWIN@idem.I
N.gov>

07/21/2009 11:20
AM

David Werbach/R5/USEPA/US@EPA

To

cc

Subject

RE: TMDL monthly call

Dave,
Andrew and I have another meeting so Indiana will not be present. Let
me know what you need from me.

-----Original Message-----

From: Werbach.David@epamail.epa.gov
[mailto:Werbach.David@epamail.epa.gov]
Sent: Tuesday, July 21, 2009 11:37 AM
To: PELLOSO, ANDREW; Urban.Christine@epamail.epa.gov;
david.l.johnson@pca.state.mn.us; Keclik.Donna@epamail.epa.gov;
howard.markus@pca.state.mn.us; Chruscicki.Jean@epamail.epa.gov;
jeff.risberg@pca.state.mn.us; Socha.Julianne@epamail.epa.gov;
saylesb@michigan.gov; GOODWIN, STACI; Manoyan.Simon@epamail.epa.gov;
trinka.mount@epa.state.oh.us; Rivera-Carrero.Vilma@epamail.epa.gov;
Nicole Richmond; Corinne Billings; Maraldo.Dean@epamail.epa.gov;
jennifer.clarke@illinois.gov; mike.eppley@illinois.gov;
trevor.sample@illinois.gov; amy.walkenbach@illinois.gov;
alexanderc2@michigan.gov; Virgilio.Susan@epamail.epa.gov;
Muneer.Alie@epamail.epa.gov
Subject: TMDL monthly call

Greetings:

Tomorrow we have yet another monthly call, from 930am-1030 am Chicago
time. Attached is an agenda, please let me know if there are any
topics/issues to raise.

R5 folks, we are in 1615; all the large rooms were booked. The call in
number **Exemption 6**

Thanks!

Dave

(See attached file: agenda July 09.doc)

EPA-R5-2017-008149RR-9

Wendy Melgin /R5/USEPA/US

08/17/2010 08:57 AM

To Denis Borum

cc Arvin Ganesan, Denise Keehner, Gregory Peck, Karyn Wendelowski, Matthew Klasen, Nancy Stoner, Tinka Hyde
bcc

Subject Re: Fw: Letter for Admin. Jackson from Reps. Wilson and Space and Sen. Brown

I had a call with the Pittsburgh District and Ohio American Energy (OAE) yesterday regarding Salt Run. We resolved the jurisdiction issue mentioned in the Congressional letter. All we are waiting for now is a revised mitigation plan from OAE and the Corps can move forward with permitting. We received additional avoidance and minimization, including avoidance of springs, and biological monitoring to determine ecological lift as a result of reclaiming areas and re-connecting streams previously mined.

Denis Borum	Can someone please send me both our...	08/17/2010 08:42:33 AM
From:	Denis Borum/DC/USEPA/US	
To:	Wendy Melgin/R5/USEPA/US@EPA	
Cc:	Arvin Ganesan/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Karyn Wendelowski/DC/USEPA/US@EPA, Matthew Klasen/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Tinka Hyde/R5/USEPA/US@EPA	
Date:	08/17/2010 08:42 AM	
Subject:	Re: Fw: Letter for Admin. Jackson from Reps. Wilson and Space and Sen. Brown	

Can someone please send me both our comment letter on the mine and the incoming meeting request letter? Thanks

Denis R. Borum
Congressional Liaison Specialist
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (MC-1301A)
Washington, D.C. 20460
(202) 564-4836 (phone)
(202) 501-1549 (fax)
borum.denis@epa.gov (e-mail)

Wendy Melgin	The attached letter only discusses Salt...	08/16/2010 01:51:13 PM
Gregory Peck	Hate to make you fly in for the meeting...	08/16/2010 12:47:50 PM
Wendy Melgin	Greg, did you want us to attend the me...	08/16/2010 01:45:13 PM
Gregory Peck	Tinka/Wendy I talked with Army and th...	08/16/2010 12:24:58 PM

EPA-R5-2017-008149RR-10

**Janet
Pellegrini /R5/USEPA/US**

10/27/2010 11:55 AM

To Kevin Pierard, Krista McKim, Mayra Maldonado, Robert
Pepin

cc

bcc

Subject Busseron Creek/Bear Run Coal Mine water data review /
discussion of IP pursuit

Meeting

Date 11/02/2010

Time 01:00:00 PM to 02:00:00 PM

Chair Janet Pellegrini

Invitees

Required Kevin Pierard; Krista McKim; Mayra Maldonado; Robert Pepin

Optional

FYI

Location

Possible pursuit of an Individual NPDES permit for this coal mine site . Bear Run is the largest surface coal mine in the Eastern United States.

Meeting to discuss surface water quality data from (SMCRA permit) S-256 Bear Run Mine in the SE corner of Busseron Creek watershed (southern IN).

Data shows some SW monitoring samples are high for Specific Conductivity and TDS .

Maps & water data are on G Drive

Maps:

G:\NPDES\Coal Mining\BusseronCreek\Jonathan (also attached here)



BusseronCreek256.pdf

Water data:

G:\WQ\JBurian\BusseronCreek\S-256 (also attached here)



S-256WaterData-07-19-2010_JB.xls

EPA-R5-2017-008149RR-11

Wendy Melgin /R5/USEPA/US

05/09/2011 01:41 PM

To Peter Swenson

cc Melissa Gebien, Andrea Schaller, Kerryann Weaver, Scott McWhorter, Kenneth Westlake

bcc

Subject FW: Notes form Agency Industry Meeting on April 12, 2011

Just started looking at this, it seems we have no authority and just comment on what other agencies find! We need to look carefully at this and make corrections as needed.

- It was mentioned EPA has no direct responsibility in the 404 permitting decisions, but their agency has a responsibility for discretionary review and input.
- Topics in EPA review include minimization, avoidance, water quality, long-term protections, mitigation, monitoring, and financial assurance.
- EPA reviews and comments on other agencies finding.

----- Forwarded by Wendy Melgin/R5/USEPA/US on 05/09/2011 01:41 PM -----

From: "Peltier, Jayne E" <JPeltier1@dnr.IN.gov>
To: Wendy Melgin/R5/USEPA/US@EPA, <westlake.ken@epamail.epa.gov>
Date: 05/09/2011 01:35 PM
Subject: FW: Notes form Agency Industry Meeting on April 12, 2011

From: Peltier, Jayne E

Sent: Monday, May 09, 2011 2:32 PM

To: Stevens, Bruce A.; Mayes, Brock A; Phillips, David I.; Briggeman, Ramona; Townsend, James M LRL; 'george.delancey@usace.army.mil'; 'sam.e.werner@usace.army.mil'; 'Ricketts, Michael S LRL'; CLARK METTLER, MARTHA; Carr, Dan; BRIER, KRISTIN; 'swenson.peter@epamail.epa.gov'; 'melgin.wendy@epamail.gov'; 'westlake.ken@epamail.gov'; 'agilmore@osmre.gov'

Cc: 'smcgarvie@peabodyenergy.com'; 'bwest@peabodyenergy.com'; 'krisner@umilc.com'; 'bgunn@umilc.com'; 'rayfcc@psci.net'; 'mike@solarsources.com'; 'buckridg@sigecom.net'; 'amessamore@vigocoal.com'

Subject: Notes form Agency Industry Meeting on April 12, 2011

I was tasked as the note taker at the recent agency and agency-industry meetings in Newburgh on April 12th 2011. Attached is the file concerning notes for the agency/industry session. The USACE has reviewed these notes and I have incorporated their comments. Please review these notes and comment as needed. Please have all comments back to me by

May 18th so a final copy can be issued .

Thanks,

Jayne E. Peltier

Water Quality Specialist

jpeltier1@dnr.in.gov

IN Department of Natural Resources

Division of Reclamation

14619 West State Road 48

Jasonville, IN 47438

812-665-2207 or 1-800-772-6463 (in IN)

Fax: 812-665-5041

[attachment "Agency-Industry Meeting 4-11-12.docx" deleted by Wendy Melgin/R5/USEPA/US]

EPA-R5-2017-008149RR-12

Kevin Pierard /R5/USEPA/US

06/07/2011 11:01 AM

To Janet Pellegrini, Stephen Jann, Russell Martin

cc Kristen Faulhaber

bcc

Subject Fw: Please Read: Response requested: IDEM 2011-2013
Environmental Performance Partnership Agreement (EnPPA)

Comment 52 should be incorporated somewhere in the agreement, if not a joint priority an action item or as a specific item in the PPA under NPDES permitting at W4. I would also like to see reference to the commitment for EPA review of the short list of Lake Michigan basin permits in W-4 along with a specific listing of majors expired more than 10 years and schedule for reissuance (last item in W-4). On page 8 the joint priority associated with new GPs should specify that we need them to provide a specific schedule for each new GP consistent with the overall commitment made by Tom Easterly to Bharat in the April 8, 2010 letter.

----- Forwarded by Kevin Pierard/R5/USEPA/US on 06/07/2011 08:58 AM -----

From: Kristen Faulhaber/R5/USEPA/US
To: R5 WD Management Team
Cc: Janet Pellegrini/R5/USEPA/US@EPA, John Bajor/R5/USEPA/US@EPA, William Spaulding/R5/USEPA/US@EPA, Belinda Montgomery/R5/USEPA/US@EPA
Date: 06/07/2011 08:03 AM
Subject: Fw: Please Read: Response requested: IDEM 2011-2013 Environmental Performance Partnership Agreement (EnPPA)

Attached is the updated IDEM PPA. Please review and provide your comments or concurrence to me by COB Friday, June 12th.

As a reminder, Martha Clark Mettler wants to be included in any correspondence with your state counterparts.

Thanks
Kristen

From: Allen Melcer/R5/USEPA/US

Date: 06/06/2011 02:31PM

Subject: Please Read: Response requested: IDEM 2011-2013 Environmental Performance Partnership Agreement (EnPPA)

Hi Everybody,

I just received the updated version of the IDEM EnPPA (attached). Please review it carefully and, if you have any comments or questions, please contact your IDEM counterpart to work through any proposed changes to the wording in the EnPPA. By next Monday, please send me an e-mail with any issues or questions that you have on the documents and a short summary of the resolution you reached with the State.

The schedule is as follows:

Monday, 6/6 - Friday 6/10 - Programs review EnPPA, contact State and resolve any remaining issues;
Monday 6/13 - Programs send e-mail to Allen Melcer, with copies to Julie Magee and Martha Robinson, describing issues and resolutions;

Tuesday 6/14 - LCD sends list of issues and resolutions to IDEM;

Wednesday, 6/15 - Tuesday 6/21 - IDEM makes corrections to the EnPPA;

Wednesday 6/22 - IDEM submits signed EnPPA to LCD;

Wednesday 6/22 - Friday 6/24 - Programs do last review of EnPPA and hopefully inform LCD that it is okay;
Monday 6/27 - If no further comments on EnPPA, LCD submits it to RA for signature. (If there are comments, LCD and program work with IDEM to make corrections and come to agreement on EnPPA by Tuesday, 6/28.)

So, as you can see by this schedule, **please review the EnPPA and let me know if you had any issues and the results of your discussions with the State by Monday , 6/13.**

Thanks.
Allen Melcer
U.S. EPA
(312) 886-1498
melcer.allen@epa.gov

----- Forwarded by Allen Melcer/R5/USEPA/US on 06/06/2011 01:27 PM -----

From: "Parker, Niles" <NPARKER@idem.IN.gov>
To: Allen Melcer/R5/USEPA/US@EPA, Julie Magee/R5/USEPA/US@EPA
Cc: "Farrington, Melissa" <MFARRING@idem.IN.gov>
Date: 06/06/2011 11:57 AM
Subject: IDEM 2011-2013 Environmental Performance Partnership Agreement (EnPPA)

Please find attached the electronic copy of the Indiana Department of Environmental Management (IDEM) 2011-2013 Environmental Performance Partnership Agreement (EnPPA). This agreement incorporates the discussion at the May 6, 2011 meeting in Merrillville, IN. Please also find enclosed a copy of the comments received from U.S. EPA on May 5, 2011 and May 23, 2011 and the actions taken by IDEM to address the comments .

The paper copy with two signature pages has been sent to your attention by Federal Express. Allen or Julie, please send an email to confirm that you received these documents. If there are any questions on this information, please contact Niles Parker at 317-233-1210 or Melissa Farrington at 317-234-0111.

Thank you.

Niles M. Parker
Office of Compliance Support
Indiana Department of Environmental Management
317-233-1210

We protect Hoosiers and our environment.

The information in this message is privileged and confidential and is intended for use by the individual or entity named above.

(See attached file: IDEM 2011-2013 EnPPA Agreement 06.06.11.pdf)(See attached file: IDEM Cover Ltr 06.06.11.pdf)(See attached file: IDEM Response to USEPA R5 Comments on 2011-2013 EnPPA 06.06.11.pdf)



IDEM 2011-2013 EnPPA Agreement 06.06.11.pdf



IDEM Cover Ltr 06.06.11.pdf



IDEM Response to USEPA R5 Comments on 2011-2013 EnPPA 06.06.11.pdf

EPA-R5-2017-008149RR-13

Kerryann
Weaver/R5/USEPA/US
10/14/2011 08:57 AM

To "Retherford, Russell L"
cc
bcc
Subject RE: Somerville So. Mine (UNCLASSIFIED)

Howdy,
I will do my best, earliest I can start reviewing is next Friday. I can at least summarize any concerns in an email so you get an idea and I can work on a more formal letter after that.

Exemption 6

[REDACTED]

Exemption 6

[REDACTED]



I'll touch base with you next Friday.
Kerry

"Retherford, Russell L"

Classification: UNCLASSIFIED...

10/14/2011 08:48:11 AM

From: "Retherford, Russell L" <Russell.L.Retherford@usace.army.mil>
To: Kerryann Weaver/R5/USEPA/US@EPA
Date: 10/14/2011 08:48 AM
Subject: RE: Somerville So. Mine (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hey,

I'm in the beginning process of reviewing. So, if you could get me your comments as soon as you can, it would be helpful.

I'm doing well. Are you a Cubs or Soxs fan? I see the Cubs have a new GM. How's it going up in the windy city, is there a chill in the weather yet? Is the house coming along, are you guys working on it?

Rusty

-----Original Message-----

From: Weaver.Kerryann@epamail.epa.gov
[mailto:Weaver.Kerryann@epamail.epa.gov]
Sent: Thursday, October 13, 2011 3:27 PM
To: Retherford, Russell L
Subject: Re: Somerville So. Mine (UNCLASSIFIED)

Hello Russell!
Yes, I did. When do you need to have my comments by?

Hope you are well.

From: "Retherford, Russell L" <Russell.L.Retherford@usace.army.mil>
To: Kerryann Weaver/R5/USEPA/US@EPA
Date: 10/13/2011 03:21 PM
Subject: Somerville So. Mine (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Kerryann,

Did you receive a digital copy of Peabody's response to the RAI?

Russell Retherford
Regulatory Specialist
Newburgh Regulatory Office
Louisville District
US Army Corps of Engineers
Office Phone (812) 842-0260
Office Fax (812) 858-2678

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

EPA-R5-2017-008149RR-14

Peter Swenson /R5/USEPA/US

11/29/2011 12:42 PM

To "Townsend, James M LRL"

cc "Delancey, George J LRL", "Ricketts, Michael S LRL",
Wendy Melgin, Sue Elston, Andrea Schaller, Melissa Gebien
bcc

Subject RE: meeting (UNCLASSIFIED)

Thanks Jim

I think this is a good idea. We will look for some possible times and get back to you.

In the meantime here is the call in information for Dec 12th:

Exemption 6

Peter Swenson (WW-16J)
Watersheds and Wetlands Branch
U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, IL 60604
312-886-0236

"Townsend, James M LRL"

Classification: UNCLASSI...

11/29/2011 09:58:51 AM

From: "Townsend, James M LRL" <James.M.Townsend@usace.army.mil>
To: Peter Swenson/R5/USEPA/US@EPA
Cc: "Ricketts, Michael S LRL" <Michael.Ricketts@us.army.mil>, "Delancey, George J LRL" <George.J.Delancey@usace.army.mil>
Date: 11/29/2011 09:58 AM
Subject: RE: meeting (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hi Peter. I might be good for Corps and EPA to have a call before the meeting. I know tomorrow and the 6th is bad for me, I can work around other stuff.

JT

James M. Townsend
Chief, Regulatory Branch
Operations Division
Louisville District
US Army Corps of Engineers
502-315-6675 (office)
502-315-6677 (fax)
POB 59
Louisville, KY 40201-0059
james.m.townsend@usace.army.mil
Please visit our website at <http://www.lrl.usace.army.mil> Click on "How do I...Obtain a permit"
Please comment on our service. Our National Customer Service Survey is located at <http://per2.nwp.usace.army.mil/survey.html>

-----Original Message-----

From: Swenson.Peter@epamail.epa.gov [mailto:Swenson.Peter@epamail.epa.gov]
Sent: Monday, November 28, 2011 9:06 AM
To: Fry, Eric; Townsend, James M LRL
Cc: Schaller.Andrea@epamail.epa.gov; Gebien.Melissa@epamail.epa.gov;
Elston.Sue@epamail.epa.gov; Ricketts, Michael S LRL; Delancey, George J LRL
Subject: RE: meeting (UNCLASSIFIED)

I think we are set for Dec 12 at 11:00 central/12:00 eastern. We will get a conference number and send it out.

Eric, we will meet in the Metcalf building (77 West Jackson Blvd), room 1612b. However, please come to the reception area on the 15th floor and I will escort you from there.

Please send particular agenda items that you would like to discuss.

Peter Swenson (WW-16J)
Watersheds and Wetlands Branch
U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, IL 60604
312-886-0236

From: "Townsend, James M LRL" <James.M.Townsend@usace.army.mil>
To: Peter Swenson/R5/USEPA/US@EPA, "Fry, Eric"
<EFry@peabodyenergy.com>
Cc: Andrea Schaller/R5/USEPA/US@EPA, Melissa
Gebien/R5/USEPA/US@EPA, Sue Elston/R5/USEPA/US@EPA,
"Ricketts, Michael S LRL" <Michael.Ricketts@us.army.mil>,
"Delancey, George J LRL" <George.J.Delancey@usace.army.mil>
Date: 11/28/2011 06:41 AM
Subject: RE: meeting (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

That date and time should be fine. Thanks

James M. Townsend
Chief, Regulatory Branch
Operations Division
Louisville District
US Army Corps of Engineers
502-315-6675 (office)
502-315-6677 (fax)
POB 59
Louisville, KY 40201-0059
james.m.townsend@usace.army.mil
Please visit our website at <http://www.lrl.usace.army.mil> Click on
"How do I...Obtain a permit"
Please comment on our service. Our National Customer Service Survey is
located at <http://per2.nwp.usace.army.mil/survey.html>

-----Original Message-----

From: Swenson.Peter@epamail.epa.gov [mailto:Swenson.Peter@epamail.epa.gov]
Sent: Wednesday, November 23, 2011 11:01 AM
To: Fry, Eric; Townsend, James M LRL
Cc: Schaller.Andrea@epamail.epa.gov; Gebien.Melissa@epamail.epa.gov; Elston.Sue@epamail.epa.gov
Subject: RE: meeting

Thanks Eric - This works for us.

Jim - Are you and your staff available starting at 11 am Central Time on the 12th?

Eric - I will send the room number later, but we will be in the Metcalfe Building, 77 West Jackson Blvd, same as the last time.

Peter Swenson (WW-16J)
Watersheds and Wetlands Branch
U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, IL 60604
312-886-0236

From: "Fry, Eric" <EFry@peabodyenergy.com>
To: Peter Swenson/R5/USEPA/US@EPA, "james.m.townsend@usace.army.mil" <james.m.townsend@usace.army.mil>
Cc: Sue Elston/R5/USEPA/US@EPA, Andrea Schaller/R5/USEPA/US@EPA, Melissa Gebien/R5/USEPA/US@EPA
Date: 11/22/2011 04:16 PM
Subject: RE: meeting

We can come to Chicago. 11am I think will give everybody time to get there. From Peabody there would likely be Bryce Mark and Myself.

-----Original Message-----

From: Swenson.Peter@epamail.epa.gov [mailto:Swenson.Peter@epamail.epa.gov]
Sent: Tuesday, November 22, 2011 3:18 PM
To: Fry, Eric; james.m.townsend@usace.army.mil
Cc: Elston.Sue@epamail.epa.gov; Schaller.Andrea@epamail.epa.gov; Gebien.Melissa@epamail.epa.gov
Subject: Re: meeting

Eric and Jim

I believe the Dec 12th is good for everyone. Eric, I assume you are still looking at a face to face meeting, but let me know if that is not the case. Due to federal travel constraints, we decided to have the meeting at EPA offices in Chicago with the Corps participating by telephone.

Do you have a preferred time? I believe we at EPA are flexible.

Peter Swenson (WW-16J)
Watersheds and Wetlands Branch

U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, IL 60604
312-886-0236

From: "Fry, Eric" <EFry@peabodyenergy.com>
To: Peter Swenson/R5/USEPA/US@EPA
Date: 11/22/2011 02:32 PM
Subject: meeting

Peter

Is our meeting set?

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Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

EPA-R5-2017-008149RR-15

"STEVENS, MARY ANN"
<MSTEVENS@idem.IN.gov>

12/09/2011 10:04 AM

To vanfrank, reads, erin, kluther, ecoserve1, david.maidenberg, bowden.quinn, mullettcac, athomascobb, cbyak, remlu, ldennis, johnpankhurst, aalexander, kharley, Keilmatp, knelson, cdavis, billhayden, PBennett, JHumes, twlohner, vgriffin, rick, INCMAoffice, parke_neil_j, BKlein, max, mgreller, jbhymen, perrasjodi, fredric.andes, bbarber, jgoode, rgspalding, lwelch, tealexan, kclawson, nciclc, mlegan, gpowd45, dmcwag, albright, "Seitz, Brandon", "Fisher, Pamela", "Pippen, David", dave, rcallahan, dkplath, herrerrm, jahvwd, lkane, brandon.koltz, "Fishkin, Joel", howard.lewis, dan.weiss, apple, dear.schramm, nysa.hogue, dgriffiths, gonefishing53, nstokes, mboehr, jgoode, "Pinegar, Stan", inenviro, Douglas.bley, tmaloney, pratt8460, kevin.doyle, "Miller, James \ (DNR)", cwhitaker, sarah.hudson, glaasby, dennis.wene, dlaron, cwilliams, fr, Linda Holst, lgates, mobrien, David Pfeifer, fr, jhni, lkapan, davebates, rgaribay, brandi.wallace, bart.jones, Kathleen Mayo, Louann Unger, rjackson, efry, admin, bboyer, Michael.scanlon, sherry.boldt, "Simpson, Sarah", noland, pg, leebotts, Ettinger.albert, raeschnapp, "Neyer, Mike", "Mettler, Mike", perrasjodi, tnt2615, bclenden, ffrench, wwagner, Simpson, fergusonm, lswingle, Robert.Thompson, anderson_earth, khedge

cc "EASTERLY, THOMAS", "CLARK METTLER, MARTHA", "PIGOTT, BRUNO", "ROUSH, STEVE", "SELVARATNAM, SHIVI", "KOONTZ, CAROLYN", "HARTSOCK, AMY", "Finkelstein, Amber", "Dittmer, Jerry", "Hess, Catherine", "ELLIOTT, JOHN", "NIXON, JOHN", "KING, NANCY", "DALTON, MIKE", "Joest, David", "Abernathy, Kent"

bcc

Subject Antidegradation Proposed Rule Third Comment Period

Dear Antidegradation Rulemaking Stakeholders:

On Wednesday, December 7, 2011, the antidegradation proposed rule was posted in the Indiana Register (IR) for its third comment period which extends through December 30, 2011. If you intend to submit a comment letter, please carefully follow the directions for submission of comments as explained under the heading "Request for Public Comments" that is contained in the proposed rule document (DIN: 20111207-IR-327080764PRA).

In addition to the proposed rule posting, the December 7th IR also posted the Fiscal Impact Analysis and the Notice of Public Hearing, which states that a date for hearing is not scheduled at this time.

You can find these documents posted at the top three positions on the IR web site at: <http://www.in.gov/legislative/iac/irtoc.htm?lsayear=08&lsadoc=764&view=list&ldn=Y>

Sincerely,
MaryAnn Stevens
Senior Environmental Manager

Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
317-232-8635
mstevens@idem.in.gov

EPA-R5-2017-008149RR-16

Peter Swenson /R5/USEPA/US

12/14/2011 10:42 AM

To Christopher Hunter

cc Sue Elston, Wendy Melgin, Palmer Hough, Timothy Landers, Denise Keehner, Jim Pendergast, Kenneth Westlake, Elizabeth Poole, Cliff Rader, Tinka Hyde, Timothy Henry, Andrea Schaller, Melissa Gebien

bcc

Subject Fw: Peabody - NMA request for meeting on Bear Run Mine

Chris

Attached is our most recent background paper as well as our letter to the Corps recommending an EIS .

We met with Peabody on Monday 12/12/11, with the Louisville Corps participating by the phone .

The company expressed its strong opposition to doing an EIS, principally based on cost, delays they believe would be caused which they seem to think are unacceptable in order for the project to be viable , and because they don't believe it adds value.

The Corps did not offer an indication of where it intends to go regarding the NEPA question .

The other main topic discussed had to do with the company's proposal to do a project on nearby abandoned mine lands as part of its mitigation for the project. We had a productive discussion on this, and the company will be providing us some more detailed information on the proposal .

Peter Swenson (WW-16J)
Watersheds and Wetlands Branch
U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, IL 60604
312-886-0236



WW Bear Run Briefing 11-10-11.docx



Bear Run Amendment 5 NEPA-404 letter 112211.PDF

----- Forwarded by Peter Swenson/R5/USEPA/US on 12/14/2011 10:26 AM -----

From: David Evans/DC/USEPA/US
To: Peter Swenson/R5/USEPA/US@EPA, Sue Elston/R5/USEPA/US@EPA, Christopher Hunter/DC/USEPA/US@EPA
Cc: Wendy Melgin/R5/USEPA/US@EPA, Palmer Hough/DC/USEPA/US@EPA, Timothy Landers/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA, Jim Pendergast/DC/USEPA/US@EPA
Date: 12/14/2011 10:25 AM
Subject: Fw: Peabody (UNCLASSIFIED)

FYI, appears a meeting near-term on Bear Run, at request of National Mining Association.

Chris,

Will you be able to followup with R5 and ensure we have best summary information/fact sheet about issues/status.

Thanks,

Dave

David Evans, Director
Wetlands Division
Office of Wetlands, Oceans and Watersheds
(202) 566-0535

----- Forwarded by David Evans/DC/USEPA/US on 12/14/2011 11:23 AM -----

From: "Gaffney-Smith, Margaret E HQ02" <Meg.E.Gaffney-Smith@usace.army.mil>
To: Gregory Peck/DC/USEPA/US@EPA
Cc: David Evans/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA, "James, William L LRN" <William.L.James@usace.army.mil>
Date: 12/14/2011 10:41 AM
Subject: RE: FW: Peabody (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Greg,

It is Bear Run in Indiana.

Meg Gaffney-Smith
Chief, Regulatory
HQUSACE
202-761-8560 (phone)
202-761-5096 (fax)

-----Original Message-----

From: Peck.Gregory@epamail.epa.gov [mailto:Peck.Gregory@epamail.epa.gov]
Sent: Wednesday, December 14, 2011 10:39 AM
To: Gaffney-Smith, Margaret E HQ02
Cc: Evans.David@epamail.epa.gov; Keehner.Denise@epamail.epa.gov; James, William L LRN
Subject: Re: FW: Peabody (UNCLASSIFIED)

Yes - NMA has called here requesting a meeting. Don't have anything scheduled yet - but they are asking for this week. Which mine? I assume its not Bear Run (Indiana)?

Gregory E. Peck
Chief of Staff
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

202-564-5778

From: "Gaffney-Smith, Margaret E HQ02"
<Meg.E.Gaffney-Smith@usace.army.mil>

To: David Evans/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA,
Gregory Peck/DC/USEPA/US@EPA
Cc: "James, William L LRN" <William.L.James@usace.army.mil>
Date: 12/14/2011 10:32 AM
Subject: FW: Peabody (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Denise/Dave/Greg,

I understand that Peabody has requested a meeting with EPA on a project currently under review by our Louisville district. I don't have a lot of details but the applicant has also requested a meeting with me. Can you confirm if you have received a similar request?

Thanks,
Meg

Meg Gaffney-Smith
Chief, Regulatory
HQUSACE
202-761-8560 (phone)
202-761-5096 (fax)

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

EPA-R5-2017-008149RR-17

Peter Swenson /R5/USEPA/US

12/15/2011 11:18 AM

To Tinka Hyde, Timothy Henry, Wendy Melgin, Sue Elston, Andrea Schaller, Melissa Gebien, Kenneth Westlake, Elizabeth Poole

cc

bcc

Subject Fw: Peabody - NMA request for meeting on Bear Run Mine

FYI

----- Forwarded by Peter Swenson/R5/USEPA/US on 12/15/2011 11:13 AM -----

From: Christopher Hunter/DC/USEPA/US
To: Peter Swenson/R5/USEPA/US@EPA
Date: 12/15/2011 10:50 AM
Subject: Re: Fw: Peabody - NMA request for meeting on Bear Run Mine

Hi Peter,

I just wanted to let you know that we just got invited to a meeting with National Mining Association this afternoon (I assume it's on the Peabody project, but I haven't seen anything that official says that). Dave Evans and I will be there, as well as Nancy Stoner for Office of Water. I'll let you know what was discussed late today.

Chris

Chris Hunter
U.S. Environmental Protection Agency
Office of Wetlands, Oceans, & Watershed
(202) 566-1454
hunter.christopher@epa.gov

Peter Swenson

[Chris Attached is our most recent back...](#)

12/14/2011 11:42:20 AM

From: Peter Swenson/R5/USEPA/US
To: Christopher Hunter/DC/USEPA/US@EPA
Cc: Sue Elston/R5/USEPA/US@EPA, Wendy Melgin/R5/USEPA/US@EPA, Palmer Hough/DC/USEPA/US@EPA, Timothy Landers/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA, Jim Pendergast/DC/USEPA/US@EPA, Kenneth Westlake/R5/USEPA/US@EPA, Elizabeth Poole/R5/USEPA/US@EPA, Cliff Rader/DC/USEPA/US@EPA, Tinka Hyde/R5/USEPA/US@EPA, Timothy Henry/R5/USEPA/US@EPA, Andrea Schaller/R5/USEPA/US@EPA, Melissa Gebien/R5/USEPA/US@EPA
Date: 12/14/2011 11:42 AM
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Peter Swenson (WW-16J)
Watersheds and Wetlands Branch
U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, IL 60604
312-886-0236

[attachment "WW Bear Run Briefing 11-10-11.docx" deleted by Christopher Hunter/DC/USEPA/US]
[attachment "Bear Run Amendment 5 NEPA-404 letter 112211.PDF" deleted by Christopher Hunter/DC/USEPA/US]

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David Evans, Director
Wetlands Division
Office of Wetlands, Oceans and Watersheds
(202) 566-0535

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To: Gregory Peck/DC/USEPA/US@EPA
Cc: David Evans/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA, "James, William L LRN" <William.L.James@usace.army.mil>
Date: 12/14/2011 10:41 AM
Subject: RE: FW: Peabody (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

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Meg Gaffney-Smith
Chief, Regulatory
HQUSACE
202-761-8560 (phone)
202-761-5096 (fax)

-----Original Message-----

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Sent: Wednesday, December 14, 2011 10:39 AM
To: Gaffney-Smith, Margaret E HQ02
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Gregory E. Peck
Chief of Staff
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

202-564-5778

From: "Gaffney-Smith, Margaret E HQ02"
<Meg.E.Gaffney-Smith@usace.army.mil>
To: David Evans/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA,
Gregory Peck/DC/USEPA/US@EPA
Cc: "James, William L LRN" <William.L.James@usace.army.mil>
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Meg

Meg Gaffney-Smith
Chief, Regulatory
HQUSACE
202-761-8560 (phone)
202-761-5096 (fax)

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

EPA-R5-2017-008149RR-18

Peter Swenson /R5/USEPA/US

01/09/2012 02:54 PM

To Kenneth Westlake, Elizabeth Poole

cc Sue Elston, Wendy Melgin, Andrea Schaller, Melissa Gebien

bcc

Subject Fw: NEPA checklist

Please see message.

Ken, would like to respond to this, or would you like us to. Since what we want is and EIS, I'm not sure how best to answer.

Peter

----- Forwarded by Peter Swenson/R5/USEPA/US on 01/09/2012 02:51 PM -----

From: "Fry, Eric" <EFry@peabodyenergy.com>
To: Peter Swenson/R5/USEPA/US@EPA
Date: 01/09/2012 01:49 PM
Subject: NEPA checklist

Peter

Hope you had a good holiday. Attached is a NEPA checklist that one of our consultants provided us. They indicated they often used it in mitigated FONSI's in the NW. Would it be helpful for us to provide you (EPA) with something like this?

Thanks
Eric

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your system.

NEPA Rapid Project Assessment Checklist.doc

EPA-R5-2017-008149RR-19

"STEVENS, MARY ANN"
<MSTEVENS@idem.IN.gov>

01/19/2012 09:16 AM

To std, vanfrank, reads, erin, kluther, ecoserve1,
david.maidenberg, bowden.quinn, mullettcac, athomascobb,
cbyak, remlu, ldennis, johnpankhurst, aalexander, kharley,
Keilmatp, knelson, cdavis, billhayden, PBennett, JHumes,
twlohner, vgriffin, rick, INCMAoffice, parke_neil_j, BKlein,
max, mgreller, jbhymen, perrasjodi, fredric.andes, bbarber,
jgoode, rgspalding, lwelch, tealexan, kclawson, nciclc,
mlegan, gpowd45, dmcwag, albright, "Seitz, Brandon",
hcundiff, "Fisher, Pamela", "Pippen, David", dave, rcallahan,
dkplath, herrerm, jahvwd, lkane, brandon.koltz, "Fishkin,
Joel", howard.lewis, dan.weiss, apple, dear.schramm,
nysa.hogue, dgriffiths, gonefishing53, nstokes, mboehr,
jgoode, "Pinegar, Stan", inenviro, Douglas.bley, tmaloney,
pratt8460, kevin.doyle, "Miller, James (DNR)", cwhitaker,
sarah.hudson, glaasby, dennis.wene, dlaron, cwilliams, fr,
Linda Holst, lgates, mobrien, David Pfeifer, fr, jhani, lkaplan,
davebates, rgaribay, brandi.wallace, bart.jones, Kathleen
Mayo, Louann Unger, "ahartsoc.", rjackson, efry, admin,
bboyer, Michael.scanlon, sherry.boldt, "Simpson, Sarah",
noland, pg, leebotts, Ettinger.albert, raeschnapp, "Neyer,
Mike", "Mettler, Mike", perrasjodi, tnt2615, bclenden, ffrench,
wwagner, Simpson, fergusonm, lswingle, Robert.Thompson,
khedge, anderson_earth
cc "EASTERLY, THOMAS", "CLARK METTLER, MARTHA",
"PIGOTT, BRUNO", "ROUSH, STEVE", "SELVARATNAM,
SHIVI", "Higginbotham, Paul", "ELLIOTT, JOHN", "Dittmer,
Jerry", "Hess, Catherine", "KING, NANCY", "DALTON,
MIKE", "NIXON, JOHN", "Kuss, Hala", "HARTSOCK, AMY",
"Finkelstein, Amber", "KOONTZ, CAROLYN", "ROUSE,
BETSY"
bcc
Subject Antidegradation third notice comment letters and scheduled
hearing to consider final adoption

Dear Antidegradation Rulemaking Stakeholders:

The antidegradation third comment period ended on December 30, 2011. Fifteen comment letters were received and they are now posted on the IDEM antidegradation web page at: <http://www.in.gov/idem/5387.htm>

The Change in Notice of Hearing was posted January 18, 2012, in the Indiana Register, changing the formerly unscheduled date of the Water Pollution Control Board hearing to consider final adoption to March 14, 2012. The hearing notice can be viewed at:
<http://www.in.gov/legislative/iac/20120118-IR-327080764CHA.xml.pdf>

I was startled to realize, when I prepared the Change in Notice of Hearing, that by March 14th we will be on daylight savings time -- so be forewarned!

Sincerely,
MaryAnn Stevens
Senior Environmental Manager
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
317-232-8635
mstevens@idem.in.gov<<mailto:mstevens@idem.in.gov>>

EPA-R5-2017-008149RR-20

**Janet
Pellegrini/R5/USEPA/US**
01/23/2012 09:29 AM

To Peter Swenson, Melissa Gebien
cc Patrick Kuefler, Lillie Davis, Kevin Pierard
bcc
Subject Re: Incoming Fw: R5 FOIA Cover Sheet - Case #:
05-FOI-00447-12

Peter, Melissa,
I will contact the requestor this afternoon to determine if they are also interested in information regarding the Wetlands/404 program on Bear Run Mine.
I will also ask if NEPA should be included on this FOIA.

thanks

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

Lillie Davis	NPDES lead - Enforcement provide i...	01/20/2012 04:28:29 PM
--------------	---------------------------------------	------------------------

From: Lillie Davis/R5/USEPA/US
To: Patrick Kuefler/R5/USEPA/US@EPA, Janet Pellegrini/R5/USEPA/US@EPA
Date: 01/20/2012 04:28 PM
Subject: Incoming Fw: R5 FOIA Cover Sheet - Case #: 05-FOI-00447-12

NPDES lead - Enforcement provide input

----- Forwarded by Mery Jackson/R5/USEPA/US on 01/20/2012 11:25 AM -----

From: Mery Jackson/R5/USEPA/US@EPA
To: Mery Jackson/R5/USEPA/US@EPA
Date: 01/20/2012 10:40 AM
Subject: R5 FOIA Cover Sheet - Case #: 05-FOI-00447-12

Request for Documents for Case # '05-FOI-00447-12'. Due date: January 20, 2012.



R5 FOIA Cover Sheet - Case # - 05-FOI-00447-12.doc Request Description.tif

EPA-R5-2017-008149RR-21

**Janet
Pellegrini/R5/USEPA/US**
02/02/2012 01:25 PM

To Patrick Kuefler
cc Robert Pepin, Kevin Pierard
bcc
Subject Fw: IN Rule 7 (Coal Mine GP) Limit exemptions during rain events

Rule 7 includes exemptions during certain flow conditions , no limits on TSS or Iron during certain rain events, only pH is monitored and limited

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 02/02/2012 01:21 PM -----

From: "Hess, Catherine" <CHESS@idem.IN.gov>
To: Janet Pellegrini/R5/USEPA/US@EPA, "JORDAN, SHERI" <SJORDAN@idem.IN.gov>
Date: 02/02/2012 12:11 PM
Subject: RE: Question re MMR for Coal Mine



327 IAC 15-7-7 alternate limits.doc

Janet: They are probably availing themselves the use of the alternate limits provision of 327 IAC 15-7-7(c)- see highlighted text in portion of attached GP rule, although in that case they need to be providing precipitation data .

- Catherine

-----Original Message-----

From: Janet Pellegrini [mailto:Pellegrini.Janet@epamail.epa.gov]
Sent: Thursday, February 02, 2012 12:06 PM
To: JORDAN, SHERI
Cc: Hess, Catherine
Subject: Question re MMR for Coal Mine

Sheri,

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I was hoping you could explain, what this means when they report on a MMR that they are exempt from reporting TSS?
(see attached)

(See attached file: ING040239 2011 04.pdf)

thanks much,
Janet

Janet Pellegrini
Environmental Scienti

EPA-R5-2017-008149RR-22

Stephen Jann /R5/USEPA/US

02/02/2012 04:58 PM

To Kevin Pierard

cc

bcc

Subject Re: Fw: IN Rule 7 (Coal Mine GP) Limit exemptions during rain events

Something in the back of my mind tells me that this may be a feature of the coal mining ELG. Could have Krista confirm.

Stephen M. Jann
Chief, Section 2
NPDES Programs Branch (WN-16J)
EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446
jann.stephen@epa.gov

Kevin Pierard

this coal mining "regulation" in Indiana j...

02/02/2012 03:35:36 PM

From: Kevin Pierard/R5/USEPA/US
To: Stephen Jann/R5/USEPA/US@EPA
Date: 02/02/2012 03:35 PM
Subject: Fw: IN Rule 7 (Coal Mine GP) Limit exemptions during rain events

(b) (5)

----- Forwarded by Kevin Pierard/R5/USEPA/US on 02/02/2012 03:34 PM -----

From: Janet Pellegrini/R5/USEPA/US
To: Patrick Kuefler/R5/USEPA/US@EPA
Cc: Robert Pepin/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA
Date: 02/02/2012 01:25 PM
Subject: Fw: IN Rule 7 (Coal Mine GP) Limit exemptions during rain events

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Date: 02/02/2012 12:11 PM
Subject: RE: Question re MMR for Coal Mine

[attachment "327 IAC 15-7-7 alternate limits.doc" deleted by Stephen Jann/R5/USEPA/US]

Janet: They are probably availing themselves the use of the alternate limits provision of 327 IAC 15-7-7(c) - see highlighted text in portion of attached GP rule, although in that case they need to be providing precipitation data.

- Catherine

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I was hoping you could explain, what this means when they report on a MMR that
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(see attached)

(See attached file: ING040239 2011 04.pdf)

thanks much,
Janet

Janet Pellegrini
Environmental Scienti

EPA-R5-2017-008149RR-23

Krista McKim/R5/USEPA/US

02/03/2012 07:29 AM

To Janet Pellegrini

cc Patrick Kuefler, Robert Pepin, Kevin Pierard

bcc

Subject Re: Fw: IN Rule 7 (Coal Mine GP) Limit exemptions during rain events

So do the federal ELG's. The company does need to provide the precip data.

Note: since IEPA does individual permits, they actually write into the permit how many inches of rain correlate to the various storm events which would result in relief from the categorical standards . Makes it easier to evaluate compliance. You can't do that with a GP.

Krista

Janet Pellegrini

[Rule 7 includes exemptions during cert...](#)

02/02/2012 01:25:50 PM

From: Janet Pellegrini/R5/USEPA/US
To: Patrick Kuefler/R5/USEPA/US@EPA
Cc: Robert Pepin/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA
Date: 02/02/2012 01:25 PM
Subject: Fw: IN Rule 7 (Coal Mine GP) Limit exemptions during rain events

Rule 7 includes exemptions during certain flow conditions , no limits on TSS or Iron during certain rain events, only pH is monitored and limited

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 02/02/2012 01:21 PM -----

From: "Hess, Catherine" <CHESS@idem.IN.gov>
To: Janet Pellegrini/R5/USEPA/US@EPA, "JORDAN, SHERI" <SJORDAN@idem.IN.gov>
Date: 02/02/2012 12:11 PM
Subject: RE: Question re MMR for Coal Mine

[attachment "327 IAC 15-7-7 alternate limits.doc" deleted by Krista McKim/R5/USEPA/US]

Janet: They are probably availing themselves the use of the alternate limits provision of 327 IAC 15-7-7(c)- see highlighted text in portion of attached GP rule, although in that case they need to be providing precipitation data .

- Catherine

-----Original Message-----

From: Janet Pellegrini [mailto:Pellegrini.Janet@epamail.epa.gov]
Sent: Thursday, February 02, 2012 12:06 PM
To: JORDAN, SHERI
Cc: Hess, Catherine
Subject: Question re MMR for Coal Mine

Sheri,

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I was hoping you could explain, what this means when they report on a MMR that they are exempt from reporting TSS?

(see attached)

(See attached file: ING040239 2011 04.pdf)

thanks much,
Janet

Janet Pellegrini
Environmental Scienti

EPA-R5-2017-008149RR-24

Janet
Pellegrini/R5/USEPA/US
02/03/2012 10:31 AM

To Kevin Pierard
cc Patrick Kuefler, Krista McKim
bcc
Subject Re: Fw: IN Rule 7 (Coal Mine GP) Limit exemptions during rain events

Yes, the alternative limits allow them to instead of monitoring for TSS to monitor for SS (settleable solids) and they are required to submit rainfall totals during that MMR's month to demonstrate the 10-year 24-hour storm trigger. What I noticed in the MMR was that the SS was always the same number 0.1ml/L IDEM after my inquiry also sent me the rainfall data that supported Peabody's use of the exemption for these MMRs.

So this alternate limits language reduces the permit monitoring and limitations to pH (6-9) and SS (0.5ml/L) only. (Eliminating iron and TSS)

Krista confirmed that the federal ELG allow this same exemption.

(c) A person regulated under subsection (a)(1) through (a)(3) may choose to apply the following alternate effluent limitations to a discharge when the discharge flow rate exceeds the dry weather base flow based on the precipitation events identified as follows:

(1) If a precipitation event is less than or equal to the 10-year, 24-hour storm event, the following limitations may apply instead of the limitations listed in subsection (a):

(A) pH is limited to the range of six (6.0) to nine (9.0).

(B) Settleable solids are limited to a maximum concentration of five-tenths (0.5) ml/l.

(2) If a precipitation event is greater than the 10-year, 24-hour storm event, only pH is limited to the range of six (6.0) to nine (9.0).

Kevin Pierard This seems to exempt them from limits,... 02/03/2012 09:39:53 AM

From: Kevin Pierard/R5/USEPA/US
To: Janet Pellegrini/R5/USEPA/US@EPA
Cc: Patrick Kuefler/R5/USEPA/US@EPA, Robert Pepin/R5/USEPA/US@EPA
Date: 02/03/2012 09:39 AM
Subject: Re: Fw: IN Rule 7 (Coal Mine GP) Limit exemptions during rain events

This seems to exempt them from limits, does it also exempt them from monitoring for TSS during those events?

Janet Pellegrini Rule 7 includes exemptions during cert... 02/02/2012 01:25:50 PM

From: Janet Pellegrini/R5/USEPA/US
To: Patrick Kuefler/R5/USEPA/US@EPA
Cc: Robert Pepin/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA
Date: 02/02/2012 01:25 PM
Subject: Fw: IN Rule 7 (Coal Mine GP) Limit exemptions during rain events

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----- Forwarded by Janet Pellegrini/R5/USEPA/US on 02/02/2012 01:21 PM -----

From: "Hess, Catherine" <CHESS@idem.IN.gov>
To: Janet Pellegrini/R5/USEPA/US@EPA, "JORDAN, SHERI" <SJORDAN@idem.IN.gov>

Date: 02/02/2012 12:11 PM
Subject: RE: Question re MMR for Coal Mine

[attachment "327 IAC 15-7-7 alternate limits.doc" deleted by Kevin Pierard/R5/USEPA/US]

Janet: They are probably availing themselves the use of the alternate limits provision of 327 IAC 15-7-7(c)- see highlighted text in portion of attached GP rule, although in that case they need to be providing precipitation data .

- Catherine

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Sent: Thursday, February 02, 2012 12:06 PM
To: JORDAN, SHERI
Cc: Hess, Catherine
Subject: Question re MMR for Coal Mine

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(see attached)

(See attached file: ING040239 2011 04.pdf)

thanks much,
Janet

Janet Pellegrini
Environmental Scienti

EPA-R5-2017-008149RR-25

Stephen Jann /R5/USEPA/US

02/03/2012 02:34 PM

To Janet Pellegrini

cc Kasey Barton, Melissa Gebien, Patrick Kuefler, Robert
Pepin, Kevin Pierard

bcc

Subject Re: 2nd 308 to Peabody & Fw: IN Rule 7 (Coal Mine GP)
Limit exemptions during rain events

If the purpose is to evaluate compliance with the current permit, esp. the ELG-based limits, then it is appropriate to construct monitoring around the design storms in the permit. If the purpose is to make the case for an individual permit on the ground that WQS are being violated, then sampling during less frequent storms will suffice. A word of caution -- monitoring around design storms will create strong likelihood that qualifying storms do not occur before the time that data must be submitted under the 308. Design storms are rare by definition.

Stephen M. Jann
Chief, Section 2
NPDES Programs Branch (WN-16J)
EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446
jann.stephen@epa.gov

-----Janet Pellegrini/R5/USEPA/US wrote: -----

To: Stephen Jann/R5/USEPA/US@EPA, Kasey Barton/R5/USEPA/US@EPA, Patrick
Kuefler/R5/USEPA/US@EPA
From: Janet Pellegrini/R5/USEPA/US
Date: 02/03/2012 01:59PM
Cc: Robert Pepin/R5/USEPA/US@EPA, Melissa Gebien/R5/USEPA/US@EPA
Subject: 2nd 308 to Peabody & Fw: IN Rule 7 (Coal Mine GP) Limit exemptions during rain events

Steve, Kasey, Pat

Per this email exchange and a lunchtime conversation with Kevin, we are to include more specifics in the 2nd 308 letter to capture more rain event sampling for the NPDES outfall effluent requested data. Meaning the language in the letter needs to be more specific to ensure we:

1. Define rain event criteria we want included for sampling time selection and to also include some indication that the sampling should occur at the beginning of a rain event (to capture/ characterize first flush pollutants). This is complicated since at the start of a rain event it is not always possible to predict if its a 1-year, 2-year or 10-year 24- hour storm.

(Kevin told me that Wetlands had worked on language for a site company name "Jeffco" where they developed some good language I have been checking to talk with Melissa Gebien for that- she works on Bear Run for Wetlands 404 program aspects)

2. We ask Peabody for their original Bio-assessment data from Amendments 256-1, -2, -3 and -4, in addition to obtaining any IDEM mIBI data

Since we are working to review and edit letter to hopefully get this into sign off next week, I wanted to let you know of this development in letter proposal

Janet Pellegrini
Environmental Scientist

USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 02/03/2012 01:49 PM -----

From: Janet Pellegrini/R5/USEPA/US
To: Kevin Pierard/R5/USEPA/US@EPA
Cc: Patrick Kuefler/R5/USEPA/US@EPA, Krista McKim/R5/USEPA/US@EPA
Date: 02/03/2012 10:31 AM
Subject: Re: Fw: IN Rule 7 (Coal Mine GP) Limit exemptions during rain events

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So this alternate limits language reduces the permit monitoring and limitations to pH (6-9) and SS (0.5ml/L) only. (Eliminating iron and TSS)

Krista confirmed that the federal ELG allow this same exemption.

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Kevin Pierard---02/03/2012 09:39:53 AM---This seems to exempt them from limits, does it also exempt them from monitoring for TSS during those

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Janet Pellegrini---02/02/2012 01:25:50 PM---Rule 7 includes exemptions during certain flow conditions, no limits on TSS or Iron during certain r

From: Janet Pellegrini/R5/USEPA/US

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Cc: Robert Pepin/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA
Date: 02/02/2012 01:25 PM
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----- Forwarded by Janet Pellegrini/R5/USEPA/US on 02/02/2012 01:21 PM -----

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To: Janet Pellegrini/R5/USEPA/US@EPA, "JORDAN, SHERI" <SJORDAN@idem.IN.gov>
Date: 02/02/2012 12:11 PM
Subject: RE: Question re MMR for Coal Mine

[attachment "327 IAC 15-7-7 alternate limits.doc" deleted by Kevin Pierard/R5/USEPA/US]
Janet: They are probably availing themselves the use of the alternate limits provision of 327 IAC 15-7-7(c)- see highlighted text in portion of attached GP rule, although in that case they need to be providing precipitation data .

- Catherine

-----Original Message-----

From: Janet Pellegrini [<mailto:Pellegrini.Janet@epamail.epa.gov>]
Sent: Thursday, February 02, 2012 12:06 PM
To: JORDAN, SHERI
Cc: Hess, Catherine
Subject: Question re MMR for Coal Mine

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(see attached)

(See attached file: ING040239 2011 04.pdf)

thanks much,
Janet

Janet Pellegrini
Environmental Scienti

EPA-R5-2017-008149RR-26

Stephen Jann /R5/USEPA/US

02/06/2012 04:11 PM

To Janet Pellegrini

cc Kevin Pierard, Maria Gonzalez, Patrick Kuefler

bcc

Subject Re: Fw: Petitioners' comments on the Protocol for review of the Petition for Corrective Action

ok. Can you provide an estimate for when you'll be done. I'd like to enter into the WD activities database.

Stephen M. Jann
Chief, Section 2
NPDES Programs Branch (WN-16J)
EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446
jann.stephen@epa.gov

-----Janet Pellegrini/R5/USEPA/US wrote: -----

To: Maria Gonzalez/R5/USEPA/US@EPA, Stephen Jann/R5/USEPA/US@EPA

From: Janet Pellegrini/R5/USEPA/US

Date: 02/06/2012 03:49PM

Cc: Patrick Kuefler/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA

Subject: Re: Fw: Petitioners' comments on the Protocol for review of the Petition for Corrective Action

Steve,

I am not confident that I can get to all this by Feb 14th, but will keep you posted on progress / status. Attached is all the items I am to follow up on per this mornings meeting.

Two items suggested by Maria/ORC re petitioners comments:

1. Letter to IN WPCB from WQB under Tinka's signature re antideg
2. Letter to IDEM from NPDES under Tinka's signature re permit by rule conversion and new gps for gp sectors

Maria,

I am attaching my work tasks from this internal meeting.

Let me know if you are able to incorporate any items from Allegations 7-9 in comment letter, page 3.

(See attached file: List re Incorporating Enviro comments on Draft Indiana Petition Protocol.docx)

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

Stephen Jann---01/31/2012 12:57:16 PM---Hi Janet. Please work with Maria to review the comments from the petitioners and propose appropriate

From: Stephen Jann/R5/USEPA/US
To: Janet Pellegrini/R5/USEPA/US@EPA
Cc: Maria Gonzalez/R5/USEPA/US@EPA
Date: 01/31/2012 12:57 PM
Subject: Fw: Petitioners' comments on the Protocol for review of the Petition for Corrective Action

Hi Janet. Please work with Maria to review the comments from the petitioners and propose appropriate revisions to the draft protocol. Please provide the draft revisions by Feb. 14. Let me know if this does not give you enough time given your other projects. Thanks. Steve.

Stephen M. Jann
Chief, Section 2
NPDES Programs Branch (WN-16J)
EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446
jann.stephen@epa.gov

----- Forwarded by Stephen Jann/R5/USEPA/US on 01/31/2012 12:55 PM -----

From: Stephen Jann/R5/USEPA/US
To: Maria Gonzalez/R5/USEPA/US@EPA, Janet Pellegrini/R5/USEPA/US@EPA
Date: 01/27/2012 01:36 PM
Subject: Fw: Petitioners' comments on the Protocol for review of the Petition for Corrective Action

For review as we prepare a final protocol. Note that Tinka received a separate e-mail from Bruno Pigott indicating that IDEM does not have any comments on the draft protocol.

Stephen M. Jann
Chief, Section 2
NPDES Programs Branch (WN-16J)
EPA Region 5
77 W Jackson Blvd
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(312) 886-2446
jann.stephen@epa.gov

----- Forwarded by Stephen Jann/R5/USEPA/US on 01/27/2012 01:35 PM -----

From: Albert Ettinger <ettinger.albert@gmail.com>
To: Tinka Hyde/R5/USEPA/US@EPA
Cc: Kevin Pierard/R5/USEPA/US@EPA, Stephen Jann/R5/USEPA/US@EPA, Timothy Henry/R5/USEPA/US@EPA, Bruno Pigott <bpigott@idem.in.gov>, Martha Clark Mettler <mclark@idem.in.gov>, Jessica Dexter <jdexter@elpc.org>, Kim Ferraro <kferraro@hecweb.org>, Bowden Quinn <Bowden.Quinn@Sierraclub.org>, Erin Morse <EMorse@elpc.org>
Date: 01/27/2012 12:44 PM
Subject: Petitioners' comments on the Protocol for review of the Petition for Corrective Action

Dear Tinka,

Please see attached our comments on the draft Protocol for Responding to Issues Related to Permitting.

Sincerely,

Albert

[

(See attached file: Letter to Tinka Hyde Jan27 2012 with attachment.pdf)

[attachment "Letter to Tinka Hyde Jan27 2012 with attachment.pdf" removed by Stephen Jann/R5/USEPA/US]

[attachment "List re Incorporating Enviro comments on Draft Indiana Petition Protocol.docx" removed by Stephen Jann/R5/USEPA/US]

EPA-R5-2017-008149RR-27

Dean Maraldo /R5/USEPA/US

02/07/2012 11:51 AM

To Janet Pellegrini

cc Stephen Jann, Kevin Pierard, Ryan Bahr, James Coleman,
Kenneth Gunter

bcc

Subject Re: Status of EPA review of IDEM MOU?

James/Ryan: please see Janet's note. She's asking for update by 2/22.
Please send directly to Janet and cc me. Thanks.

-----Janet Pellegrini/R5/USEPA/US@EPA wrote: -----

=====

To: Dean Maraldo/R5/USEPA/US@EPA

From: Janet Pellegrini/R5/USEPA/US@EPA

Date: 02/07/2012 12:47PM

Cc: Stephen Jann/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA

Subject: Status of EPA review of IDEM MOU?

=====

Dean,

Could you send NPDES/me an update/status of WECAB's review of the MOU with
IDEM re NPDES inspections & enforcement?

If you could send that update by Feb 22, 2012, it would help NPDES achieve its
WD tracking goal re this Petition Protocol.

In Tinka's attached 1-11-12 email (Draft Petition Protocol) to the Petitioners
whom requested EPA to withdraw the Indiana NPDES program, R5 committed to
review the MOU.

In order for NPDES to finalize the Petition Protocol, we need to relay actual
actions taken by WECAB & ORC regarding this item.

See Draft Protocol sent in January 11, 2012. Page 6 of Draft protocol,
Allegation 11 response said, "EPA is reviewing the MOU and its implications
for NPDES inspections and enforcement."

thanks much,

Janet

Janet Pellegrini

Environmental Scientist

USEPA Region 5, Water Division, NPDES Branch

EPA Draft Petition Protocol sent by Tinka to Petitioners 1-11-12

----- Forwarded by Stephen Jann/R5/USEPA/US on 01/11/2012 12:51 PM -----

From: Tinka Hyde/R5/USEPA/US

To: aettinger@elpc.org, jkharbanda@hecweb.org,
bowden.quinn@sierraclub.org

Cc: Pierard.Kevin@epa.gov, Stephen Jann/R5/USEPA/US@EPA,

Henry.Timothy@epa.gov

Date: 01/11/2012 08:58 AM

Subject: FOR REVIEW: Indiana petition protocol

Albert Ettinger

Environmental Law and Policy Center
aettinger@elpc.org

Jesse Kharbanda
Hoosier Environmental Council
jkharbanda@hecweb.org

Bowden Quinn
Sierra Club, Hoosier Chapter
bowden.quinn@sierraclub.org
Suggested e-mail to the petitioners:

I am writing with regard to your December 2009 petition in which you asked EPA to correct or withdraw Indiana's NPDES approved program. Attached please find a draft "protocol" that describes EPA's intended response to the allegations in the petition. By February 13, 2012, please review the draft and provide comments or indicate that you have no comments.

As you will read, the draft protocol identifies certain actions that EPA intends to take in response to the allegations in the petition. For example, EPA commits to review certain NPDES permits to evaluate the way in which Indiana implements the antidegradation policy in the current Indiana water quality standards. We invite you to comment on the sufficiency of the proposed actions. The draft also identifies topics for which EPA believes that action is not warranted. For these topics, EPA believes that the allegations in the petition do not require corrective action and do not provide a basis for withdrawal of the Indiana program. For example, the petition contends that coal mining is not suitable for general permits. As noted in the draft protocol, 40 C.F.R. § 122.28 does not categorically exclude coal mines from eligibility to be authorized under general permits. We invite you to comment on the draft response to these allegations.

Thank you for reviewing the draft protocol. Please note that I will also be sharing a copy of the draft protocol with IDEM for their review and comment. We are available to meet by phone or in person if you would like to discuss the draft before February 13, 2012.

Tinka G. Hyde
Director, Water Division
U.S. EPA (W-15J)
77 W. Jackson Blvd., Chicago, IL 60604-3590
Fax: (312) 697-2562, Phone: (312) 886-9296

[attachment(s) IN petition protocol clean 11012.pdf removed by Dean Maraldo/R5/USEPA/US]

EPA-R5-2017-008149RR-28

Stephen Jann /R5/USEPA/US

02/29/2012 12:51 PM

To Maria Gonzalez

cc CarolAnn Siciliano, LouAnn Gross, Bertram Frey, Janet Pellegrini

bcc

Subject Re: FOIA re: Petitions to Withdraw State Programs: follow-up questions

Nothing more on IN and MN.

Stephen M. Jann
Chief, Section 2
NPDES Programs Branch (WN-16J)
EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446
jann.stephen@epa.gov

Maria Gonzalez CarolAnn, I have just forwarded you th... 02/29/2012 12:11:47 PM

From: Maria Gonzalez/R5/USEPA/US
To: CarolAnn Siciliano/DC/USEPA/US@EPA
Cc: LouAnn Gross/R4/USEPA/US@EPA, Stephen Jann/R5/USEPA/US@EPA, Bertram Frey/R5/USEPA/US@EPA, Janet Pellegrini/R5/USEPA/US@EPA
Date: 02/29/2012 12:11 PM
Subject: Re: FOIA re: Petitions to Withdraw State Programs: follow-up questions

CarolAnn,

I have just forwarded you the draft protocol that was recently sent out to the petitioners and the State on the Indiana petition, as well as the petitioners' comments on that draft protocol, and am checking with Steve on whether there are other responsive documents on Indiana or Minnesota.

(I work on the Indiana petition, so I happened to have those documents handy, but need to check with people who work on the Minnesota petition, and make sure there aren't other Indiana documents.)

Maria Gonzalez
Associate Regional Counsel
Mail Code C-14J
U.S. EPA Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604
(312) 886-6630

CarolAnn Siciliano LouAnn -- Dave Markell wants us to... 02/29/2012 11:38:48 AM

EPA-R5-2017-008149RR-29

Mery Jackson /R5/USEPA/US

03/27/2012 04:40 PM

To Group R5Foia

cc Janet Pellegrini

bcc

Subject Re: Fw: R5 FOIA - Case #: 05-FOI-00447-12

Hi Anna, yes I did tell her - she knows

Group R5Foia

Mery as we discussed, this is in the "ot...

03/27/2012 04:39:25 PM

From: Group R5Foia/R5/USEPA/US
To: Mery Jackson/R5/USEPA/US@EPA
Date: 03/27/2012 04:39 PM
Subject: Re: Fw: R5 FOIA - Case #: 05-FOI-00447-12
Sent by: Anna Rzeznik

Mery as we discussed, this is in the "other " fee category. Make sure Janet is aware of this

Mery Jackson

----- Forwarded by Mery Jackson/R5/U...

03/27/2012 04:20:38 PM

Mery Jackson

Janet, did you get a fee commitment? F...

03/27/2012 11:25:33 AM

Janet Pellegrini

Mr. Saul, I am contacting you today reg...

03/26/2012 11:51:43 AM

EPA-R5-2017-008149RR-30

Kasey Barton /R5/USEPA/US

04/03/2012 12:15 PM

To Kevin Pierard

cc Janet Pellegrini

bcc

Subject Fw: Peabody Midwest Mining, LLC - EPA Section 308 Request

Hi Kevin,

Peabody is unable to meet with us on the 11th or 12th of next week. (b) (5)

What would you like to do? I will be here on Friday the 13th, but I am not sure what your schedule looks like. Otherwise should I shoot for Monday 4/16?

Thanks!

Kasey Barton
Assistant Regional Counsel
US EPA Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 04/03/2012 12:11 PM -----

From: "Watson, John W" <John.Watson@bakermckenzie.com>
To: Kasey Barton/R5/USEPA/US@EPA
Date: 04/03/2012 10:34 AM
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Unfortunately, the Peabody team is not available on the 11th or 12th. Can you throw out three more dates for us to choose from and we will make sure to make one work.

On the need for a face to face meeting, I am sure you appreciate that the March 22nd letter is no ordinary Agency request for information, but rather a demand for extensive sampling and study imposing significant resource and cost burdens on the Company. We need to better understand the Agency's response to our initial production and the bases for this subsequent request before we can proceed with any additional effort.

We are nonetheless eager to facilitate this discussion towards a productive resolution of this matter. Please provide a few more options and we will get a date on the calendar. Thank you.

John W. Watson
Partner

Baker & McKenzie LLP
300 E. Randolph Street, Suite 5000
Chicago, Illinois 60601, USA

Tel: +1 312 861 2646
Cell: +1 312 848 9474
Fax: +1 312 698 2969
john.watson@bakermckenzie.com

Please note my new email address.

From: Kasey Barton [mailto:Barton.Kasey@epamail.epa.gov]
Sent: Monday, April 02, 2012 4:11 PM
To: Watson, John W
Cc: Janet Pellegrini
Subject: Fw: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

Sorry to do this, but it looks like Wednesday 4/11 or Thursday 4/12 works better for us. Do you have some time for a call on one of those days? Please let us know your availability.

Thanks!

Kasey Barton
Assistant Regional Counsel
US EPA Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 04/02/2012 04:09 PM -----

From: Kasey Barton/R5/USEPA/US
To: "Watson, John W" <John.Watson@bakermckenzie.com>
Cc: Janet Pellegrini/R5/USEPA/US@EPA
Date: 04/02/2012 03:34 PM
Subject: Re: Peabody Midwest Mining, LLC - EPA Section 308 Request

Hi John,

Janet Pellegrini is not available this week. How does the afternoon of Monday April 9th look for you and your client?

Kasey Barton
Assistant Regional Counsel
US EPA Region 5 (C-14J)

77 W. Jackson Blvd.
Chicago, IL 60604
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>
To: Kasey Barton/R5/USEPA/US@EPA
Date: 11/16/2011 11:51 AM
Subject: Peabody Midwest Mining, LLC - EPA Section 308 Request

This email will document our conversation of yesterday wherein U.S. EPA has agreed to provide Peabody Midwest Mining, LLC ("Peabody") an extension of time up through January 20, 2012 to respond to the Section 308 Request for Information from the Agency, dated October 12, 2011. This will confirm Peabody's agreement to provide a response on or before the January 20th deadline. Please let me know if you have any further questions or otherwise believe that this email does not properly reflect our discussions and understandings. Thank you for your cooperation with respect to this matter.

John W. Watson
Partner
Baker & McKenzie LLP
One Prudential Plaza
130 E. Randolph Street, Suite 3700
Chicago, Illinois 60601
Tel: +1 312 861 2646
Cell: +1 312 848 9474
Fax: +1 312 698 2969
john.watson@bakermckenzie.com

Please note my new email address.

Pursuant to requirements related to practice before the Internal Revenue Service, any tax advice contained in this communication (including any attachments) is not intended to be used, and cannot be used, for the purposes of (i) avoiding penalties imposed under the United States Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter.

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message. Please visit www.bakermckenzie.com/disclaimers for other important information concerning this message.

Effective January 17, 2012, Baker & McKenzie's Chicago office will be located at:

300 East Randolph Street, Suite 5000
Chicago, IL 60601, USA

Telephone and fax numbers will not change.

EPA-R5-2017-008149RR-31

**Gary
Hudiburgh/DC/USEPA/US**
04/16/2012 01:52 PM

To Art Palomares, Austine Frawley, Brad Crawford, Brian Trulear, Chad Carbone, Chris Menen, Gary Hudiburgh, Kathryn Greenwald, Kilty Baskin, Kimberly Hill, Kimberly Ogle, Lisa Luebke, Marcela VonVacano, Mark Bolender, Martha Segall, Michael Boeglin, Michelle Price-Fay, Morgan Jencius, Nizanna Bathersfield, Paulette Johnsey, Rebecca Roose, Ronald Mikulak, Susan Pope, Brent Larsen, Brian Frazer, Brian Pitt, Brian Trulear, Caitlin Gregg, Charles Faultry, Chris Thomas, Claudia Hosch, Colleen Gillespie, David Webster, DavidW Smith, Deborah Nagle, Doug Corb, Elaine Lai, Evelyn MacKnight, Francisco Cruz, Glenn Curtis, Hanh Shaw, Jackie Clark, Jaime Geliga, Jeff Gratz, John Dunn, Karen Hamilton, Kevin Pierard, Laura Bose, Laura Phillips, Mark Matthews, Mark Nuhfer, Maureen Krudner, Michael Lidgard, Michelle Josilo, Rao Surampalli, Richard Wooster, Ross Brennan, Stephen Jann, Susan Poulosom, Tom Laverty, Troy Hill, Susan Studlien, Samuel Silverman, Dore LaPosta, Patrick Durack, Samantha Beers, John Blevins, Stephen Gilrein, Mary Wilkes, Scott Gordon, Alan Walts, Althea Moses, Paula Smith, Kathleen Johnson, Julie Anderson, Edward Kowalski, Lauris Davies, Roger Janson, Mark Mahoney, Caroline Newton, Barbara McGarry, Betty Barnes, Kelly Sisario, Liza Montalvo, Andrew Anderson, Susan Schulz, Connie Overbay, Debra Griffin, Althea Moses, Neal Gilbert, Kimberly Burch, Jim Grove, Angela Baranco, Kelly Huynh

cc Elizabeth McCormick, Elizabeth Walsh, Sue Gilbertson, Gregory Siedschlag, Chad Carbone, Erin Flannery, Nizanna Bathersfield, Brian Frazer

bcc

Subject Review Effort on State NPDES Program Memoranda of Agreement

The official version, sent 4/16/12.

There was one change to transmittal letter - word version is also attached.

We are working with ECOS to get to commissioners. If you feel we forgot someone, please let us know.

Thanks for all of the help.



MOA memo to states 4-16-12.docx

Gary Hudiburgh
Attorney
Water Permits Division (MC 4203M)
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
202 564-0626
202 564-9544 (fax)
<http://www.epa.gov/npdes>

----- Forwarded by Gary Hudiburgh/DC/USEPA/US on 04/16/2012 02:48 PM -----

From: Jim Hanlon/DC/USEPA/US
To: chanson@ecos.org, jmartins@gw.dec.state.ny.us, bob.martin@dep.state.nj.us, peggy.hatch@la.gov, herschel.vinyard@dep.state.fl.us, marks@adeq.ar.us, david.martin@state.nm.us, denrinternet@state.sd.us, askepd@gaepd.org, alicia.barnes@dpnr.gov.vi
Cc: Alexis Strauss/R9/USEPA/US@EPA, Bharat Mathur/R5/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Howard Cantor/R8/USEPA/US@EPA, Ira Leighton/R1/USEPA/US@EPA, Mark Hague/R7/USEPA/US@EPA, Michelle Pirzadeh/R10/USEPA/US@EPA, Sam Coleman/R6/USEPA/US@EPA, Stan Meiburg/R4/USEPA/US@EPA, William Early/R3/USEPA/US, Mike Shapiro/DC/USEPA/US@EPA, Steven Chester/DC/USEPA/US@EPA, OW-Water Division Directors, Enforcement Division Directors, Lisa Lund/DC/USEPA/US@EPA, Pam Mazakas/DC/USEPA/US@EPA, Kate Anderson/DC/USEPA/US@EPA, Mark Pollins/DC/USEPA/US@EPA, Jim Hanlon/DC/USEPA/US@EPA, Randy Hill/DC/USEPA/US@EPA, Deborah Nagle/DC/USEPA/US@EPA, Elizabeth Walsh/DC/USEPA/US@EPA, Gary Hudiburgh/DC/USEPA/US@EPA, Margaret Osbourne/R6/USEPA/US@EPA, Morgan Jencius/R5/USEPA/US@EPA, Kimberly Hill/R7/USEPA/US@EPA, carbone.chad@epa.gov, GLD@adem.state.al.us, lynn.kent@alaska.gov, maf@azdeq.gov, drown@adeq.state.ar.us, thoward@waterboards.ca.gov, steve.gunderson@state.co.us, betsey.wingfield@ct.gov, Kathleen.stiller@state.de.us, larry.towle@state.de.us, collin.burrell@dc.gov, Drew.Bartlett@dep.state.fl.us, Linda.MacGregor@dnr.state.ga.us, alec.wong@doh.hawaii.gov, michael.mcintyre@deq.idaho.gov, Marcia.Willhite@illinois.gov, mclark@idem.in.gov, Shelli.Grapp@dnr.iowa.gov, mtate@kdheks.gov, sandy.gruzesky@ky.gov, Chris.Piehler@la.gov, Mick.Kuhns@maine.gov, jsakai@mde.state.md.us, bethany.card@state.ma.us, crealw@michigan.gov, Rebecca.flood@state.mn.us, Trudy_Fisher@deq.state.ms.us, John.Madras@dnr.mo.gov, jchambers@mt.gov, pat.rice@nebraska.gov, dgaskin@ndep.nv.gov, hstewart@des.state.nh.us, michele.putnam@dep.state.nj.us, james.bearzi@state.nm.us, maklotz@gw.dec.state.ny.us, chuck.wakild@ncdenr.gov, dfewless@nd.gov, elder@agri.ohio.gov, george.elmaraghy@epa.state.oh.us, shanon.phillips@conservation.ok.gov, shellie.chard-mcclary@deq.ok.gov, drsmithee@owrb.ok.gov, aldrich.greg@deq.state.or.us, daunkst@state.pa.us, alicia.good@dem.ri.gov, wilsonde@dhec.sc.gov, Kent.Woodmansey@state.sd.us, saya.qualls@tn.gov, todd.chenoweth@tceq.texas.gov, awendt@tsswcb.state.tx.us, wbaker@utah.gov, Pete.Laflamme@state.vt.us, melanie.davenport@deq.virginia.gov, sber461@ecy.wa.gov, Scott.G.Mandirola@wv.gov, russell.rasmussen@wisconsin.gov
Date: 04/16/2012 02:47 PM
Subject: Review Effort on State NPDES Program Memoranda of Agreement
Sent by: Rebecca Christopher

State Environmental Commissioners:

EPA is providing to you for your review and comment review criteria and checklist and the model MOA. Do these documents contain the proper provisions and questions, and do they reflect the relevant NPDES program requirements for state programs? These two documents are subject to revision and we welcome your input. We are requesting that you provide comments by May 14, 2012.

As a follow up to this letter, the EPA will hold a conference call on May 3, 2012, at 3:00 – 5:00 pm EDT, (1 866-299-3188, code 202 564 0626#), to provide an overview of the review criteria, checklist and of the various sections of the model MOA, and to respond to the states' preliminary questions and comments. Please send any written questions and comments on the criteria, checklist and model MOA by May 14, 2012, to Gary Hudiburgh at hudiburgh.gary@epa.gov (202-564-0626), and Chad Carbone at carbone.chad@epa.gov (202-564-2523).



NPDES MOA.pdf



Criteria for MOA Requirements 4-11-12.docx



State review draft checklist 4-2-12.docx



Model NPDES MOA state review draft 4-2-12.docx

Thanks,

Jim Hanlon , Director
Office of Wastewater Management

Phone: 202-564-0748
Fax: 202-501-2338

Mailing address:

1200 Pennsylvania Avenue, NW (4201-M)
Washington, DC 20460

Delivery Address:

1201 Constitution Avenue, NW
Room 7116, EPA East
Washington, DC 20004

EPA-R5-2017-008149RR-32

Stephen Jann /R5/USEPA/US

04/18/2012 10:19 AM

To: Kevin Pierard, Patrick Kuefler

cc

bcc

Subject: Fw: #10-659 second notice and hearing notice

The first attachment below includes soon-to-be published revisions to Indiana's baseline NPDES rules (Article 5) and rules for NPDES general permits (Article 15). I anticipate that some, if not all, of the changes to the baseline rules will be directed at resolving the issues EPA raised in our review of Indiana's NPDES legal authority. Changes to the general permit rules should be directed at the move of the program from the IN Water Pollution Control Board to IDEM. I recommend that we assign Janet to review the former and Brian to review the latter. Maria Gonzalez will review both for ORC. Thoughts?

Stephen M. Jann
Chief, Section 2
NPDES Programs Branch (WN-16J)
EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446
jann.stephen@epa.gov

----- Forwarded by Stephen Jann/R5/USEPA/US on 04/18/2012 10:11 AM -----

From: "KING, NANCY" <NKING@idem.IN.gov>
To: Stephen Jann/R5/USEPA/US@EPA
Date: 04/18/2012 10:04 AM
Subject: FW: #10-659 second notice and hearing notice

General permit second notice for your reading pleasure. Holler if you have any questions.

From: Mojonnier, Steve
Sent: Tuesday, April 17, 2012 8:48 AM
To: Indiana Register
Cc: KING, NANCY; PIGOTT, BRUNO; DALTON, MIKE; Pittman, Janet; ROUSE, BETSY
Subject: #10-659 second notice and hearing notice

Attached are the second notice and first hearing notice for LSA Document #10-659. Thanks.

Steve Mojonnier
IDEM Office of Legal Counsel
100 N Senate Ave MC 65-45
Indianapolis IN 46204-2251
317.233.1655



#10-659 second notice 4-16.docx #10-659 first hearing notice.docx

EPA-R5-2017-008149RR-33

**Janet
Pellegrini/R5/USEPA/US**

05/09/2012 08:59 AM

To Kevin Pierard

cc

bcc

Subject Fw: B Run 308

forgot to cc you on this

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 05/09/2012 08:58 AM -----

From: Janet Pellegrini/R5/USEPA/US
To: Kasey Barton/R5/USEPA/US@EPA
Cc: Patrick Kuefler/R5/USEPA/US@EPA
Date: 05/09/2012 08:55 AM
Subject: Re: Fw: RE: B Run 308

Yes, thats the verbal agreement we made with Peabody at the meeting, after our confab outside the room. It gave them ample time, since the mtg was held on April 16th and the original deadline was April 22nd. Their request for a meeting is not supposed to substitute for response to the 308, nor delay response.

Their continuing excuse of absence of these employees is contradictory to their response within the 4-16 meeting that they had an estimate for the work of \$800,000 - 1 million which they reiterated to me again during the May 3rd call. To have that estimate they had a plan. Although now they are proposing an alternate plan, the details of which they never relayed during the 2 conference calls.

I had responded during the call that I have information to the contrary on the potential costs of such a study.

I received verified lab cost estimates from a NPDES coal mine expert in Region 4 who works with the Kentucky coal mining sector permits.

He had received similar arguments from coal mine companies re his requests for analyses .

I found consulting with him very useful in prep for these calls with Peabody .

He relayed that the results back from his requests are revealing water quality violations for selenium , aluminum and thalium.

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

Kasey Barton

I will give John Watson a call. We need...

05/09/2012 08:40:37 AM

From: Kasey Barton/R5/USEPA/US
To: Janet Pellegrini/R5/USEPA/US@EPA
Date: 05/09/2012 08:40 AM
Subject: Re: Fw: RE: B Run 308

I will give John Watson a call. We need sampling to begin by June 1, correct?

Kasey Barton
Assistant Regional Counsel

US EPA Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
Phone: (312) 886-7163

Janet Pellegrini

Kasey, See attached response from P...

05/09/2012 08:07:42 AM

EPA-R5-2017-008149RR-34

Tinka Hyde/R5/USEPA/US
Sent by: Norma Ignasiak

05/17/2012 11:10 AM

To Andrew Tschampa, Anthony Carrollo, Barbara VanTil, Charlene Denys, David Pfeifer, David Werbach, Dean Maraldo, Debbie Baltazar, Jennifer Beese, Jori Taylor, Kevin Pierard, Kristen Faulhaber, Linda Holst, Lisa Perenchio, Louann Unger, Matthew Gluckman, Nicholas Damato, Patrick Kuefler, Peter Swenson, Rebecca Harvey, Rita Bair, Ryan Bahr, Stephen Jann, Steve Marquardt, Steven Padovani, Sue Elston, Thomas Davenport, Thomas Poy, Timothy Henry

cc

bcc

Subject Conference Call w/Bruno Pigott, IDEM (317/233-2550) re: TMDLs, permit backlogs, etc.

Meeting

Date 06/14/2012

Time 02:00:00 PM to 03:00:00 PM

Chair Tinka Hyde

Invitees

Required Andrew Tschampa; Anthony Carrollo; Barbara VanTil; Charlene Denys; David Pfeifer; David Werbach; Dean Maraldo; Debbie Baltazar; Jennifer Beese; Jori Taylor; Kevin Pierard; Kristen Faulhaber; Linda Holst; Lisa Perenchio; Louann Unger; Matthew Gluckman; Nicholas Damato; Patrick Kuefler; Peter Swenson; Rebecca Harvey; Rita Bair; Ryan Bahr; Stephen Jann; Steve Marquardt; Steven Padovani; Sue Elston; Thomas Davenport; Thomas Poy; Timothy Henry

Optional

FYI

Location Tinka's office

AGENDA ITEMS ARE DUE TO NORMA BY MONDAY, JUNE 11. ATTACHED IS THE AGENDA FROM THE LAST CALL PLEASE UPDATE.



IDEM agenda 02012012.doc

EPA-R5-2017-008149RR-35

**Janet
Pellegrini /R5/USEPA/US**

05/24/2012 03:50 PM

To Nicholas Damato, Rita Bair, Thomas Poy

cc Patrick Kuefler, d [redacted]

bcc Kevin Pierard

Subject Drinking water complaint- Dugger, Indiana

Tom,

I received a citizen's complaint today regarding his drinking water from Mr. Dave Hale who lives near Dugger, Indiana.

Mr. Hale can be reached at [redacted] Exemption 6

he is also copied on this email.

His home is within the active mine site for Peabody Midwest Mining's Bear Run Mine (ING040239).

His home receives public supply drinking water from the City of Dugger, IN.

His drinking water line, due to recent new mine activity with the dragline a 1,000 feet from his home, is now underneath a coal mine water pit.

This pit functions to store coal mine slurry and is treated with Aluminum sulfate to settle the suspended solids prior to discharge to a surface water in order to meet TSS standards.

Mr. Hale has contacted IDNR, and IDEM, IDEM has not responded regarding his drinking water concerns after 3 months.

IDNR's Todd Sellers, (tsellers@dnr.IN.gov) at IDNR who has authority per the SMCRA program to oversee the coal mine site did respond. On February 9, 2012 IDNR tested his tap water and another sample point for certain coal mine related chemicals, including but not limited to:

Sulfates, Chloride, Potassium

Sodium, Calcium, Magnesium

Alkalinity, Bicarbonate, TDS

Results may be obtained from Mr. Hale and Todd Sellers.

Other metals, including aluminum should be analyzed for related to the coal mine activity.

Mr. Hale is seriously concerned with the existing & continued potential for contamination to his drinking water. He has asked Peabody to move his water supply line, they refused. The City of Dugger has also refused to move his supply line.

Mr. Hale looks forward to hearing from EPA's Drinking Water Branch for assistance in resolving his concerns.

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

EPA-R5-2017-008149RR-36

Kasey Barton /R5/USEPA/US

06/01/2012 12:31 PM

To Janet Pellegrini, Patrick Kuefler, Kevin Pierard

cc

bcc

Subject Fw: Peabody Proposed Sampling Plan

Is everyone available on Tuesday at 8 am? I will have to call-in.

Kasey Barton
Assistant Regional Counsel
US EPA Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 06/01/2012 12:30 PM -----

From: "Watson, John W" <John.Watson@bakermckenzie.com>
To: Kasey Barton/R5/USEPA/US@EPA
Date: 06/01/2012 12:29 PM
Subject: RE: Peabody Proposed Sampling Plan

Thank you for your note Kasey. The Peabody team is available on Tuesday morning for a call to discuss the proposed sampling plan - the earlier in the day, the better. We would propose 8 am. Let me know if that time works. Thanks.

John W. Watson
Partner
Baker & McKenzie LLP
300 E. Randolph Street, Suite 5000
Chicago, Illinois 60601, USA
Tel: +1 312 861 2646
Cell: +1 312 848 9474
Fax: +1 312 698 2969
john.watson@bakermckenzie.com

Our offices have moved. Please note our new address.

From: Kasey Barton [mailto:Barton.Kasey@epamail.epa.gov]
Sent: Thursday, May 31, 2012 11:16 AM
To: Watson, John W
Subject: Peabody Proposed Sampling Plan

Hi John,

We have reviewed Peabody's proposed sampling plan. We would like to set up a call with you and Peabody's technical team in order to come to an agreement on the scope of the plan.

Could you please let me know Peabody's availability for tomorrow, Monday or Tuesday of next week? We need to have this discussion as soon as possible because we are already behind our proposed schedule

in the 308 request.

Sincerely,

Kasey Barton
Assistant Regional Counsel
US EPA Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
Phone: (312) 886-7163

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EPA-R5-2017-008149RR-37

Patrick Kuefler /R5/USEPA/US

06/04/2012 07:49 AM

To Kasey Barton

cc Janet Pellegrini, Kevin Pierard

bcc

Subject Re: Fw: Peabody Proposed Sampling Plan

ok with me

Patrick F. Kuefler
Chief, Section I
NPDES Programs Branch
Phone 312/353-6268, FAX 312/886-0168

Kasey Barton

Is everyone available on Tuesday at 8...

06/01/2012 12:32:01 PM

From: Kasey Barton/R5/USEPA/US
To: Janet Pellegrini/R5/USEPA/US@EPA, Patrick Kuefler/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA
Date: 06/01/2012 12:32 PM
Subject: Fw: Peabody Proposed Sampling Plan

Is everyone available on Tuesday at 8 am? I will have to call-in.

Kasey Barton
Assistant Regional Counsel
US EPA Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 06/01/2012 12:30 PM -----

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To: Kasey Barton/R5/USEPA/US@EPA
Date: 06/01/2012 12:29 PM
Subject: RE: Peabody Proposed Sampling Plan

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John W. Watson
Partner
Baker & McKenzie LLP
300 E. Randolph Street, Suite 5000
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Tel: +1 312 861 2646
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john.watson@bakermckenzie.com

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Could you please let me know Peabody's availability for tomorrow, Monday or Tuesday of next week? We need to have this discussion as soon as possible because we are already behind our proposed schedule in the 308 request.

Sincerely,

Kasey Barton
Assistant Regional Counsel
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Chicago, IL 60604
Phone: (312) 886-7163

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EPA-R5-2017-008149RR-38

**Janet
Pellegrini /R5/USEPA/US**
06/06/2012 08:54 AM

To Kasey Barton, Kevin Pierard, Patrick Kuefler, Robert Pepin
cc
bcc
Subject Information Update - Description has changed: Peabody's
sampling plan for Bear Run conf call



EPA requests re Peabody Sampling Plan dated May 23.docx



Appendix A.pdf



May 23, 2012 Letter to Kasey Barton.pdf

Exemption 6

[Redacted]

[Redacted]

EPA-R5-2017-008149RR-39

Kasey Barton /R5/USEPA/US

06/06/2012 10:48 AM

To "Watson, John W"

cc Janet Pellegrini

bcc

Subject Re: Peabody Proposed Sampling Plan

Call-in information is below.

We look forward to speaking with you at 2pm.

Exemption 6

Thanks,

Kasey

-----"Watson, John W" <John.Watson@bakermckenzie.com> wrote: -----

To: Kasey Barton/R5/USEPA/US@EPA

From: "Watson, John W" <John.Watson@bakermckenzie.com>

Date: 06/06/2012 07:55AM

Subject: Re: Peabody Proposed Sampling Plan

We are available this afternoon at 2 pm. I am out of town today so can you circulate a call in number.

Thanks.

From: Kasey Barton [mailto:Barton.Kasey@epamail.epa.gov]

Sent: Tuesday, June 05, 2012 10:54 AM

To: Watson, John W

Subject: RE: Peabody Proposed Sampling Plan

Hi John,

Here are the times that we are available for the next few days. Please let me know what works best for you and Peabody.

Tuesday June 5th (today)

3-4 pm

Wednesday June 6th

11am - Noon

2-3pm

Thursday June 7th

10am- 11am

Thank you,
Kasey

-----"Watson, John W" <John.Watson@bakermckenzie.com> wrote: -----

To: Kasey Barton/R5/USEPA/US@EPA
From: "Watson, John W" <John.Watson@bakermckenzie.com>
Date: 06/04/2012 04:45PM
Subject: RE: Peabody Proposed Sampling Plan

The Peabody team can be available at 1 pm tomorrow for a call. Please confirm that the time works for you. I can circulate a call in number unless you would like to.

John W. Watson
Partner
Baker & McKenzie LLP
300 E. Randolph Street, Suite 5000
Chicago, Illinois 60601, USA
Tel: +1 312 861 2646
Cell:+1 312 848 9474
Fax: +1 312 698 2969
john.watson@bakermckenzie.com

Our offices have moved. Please note our new address.

From: Kasey Barton [mailto:Barton.Kasey@epamail.epa.gov]
Sent: Monday, June 04, 2012 2:36 PM
To: Watson, John W
Subject: RE: Peabody Proposed Sampling Plan

Hi John,

The earliest we can be available tomorrow is 12 pm central. Will that time work for you and Peabody?

Kasey Barton
Assistant Regional Counsel
US EPA Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>
To: Kasey Barton/R5/USEPA/US@EPA
Date: 06/01/2012 12:29 PM
Subject: RE: Peabody Proposed Sampling Plan

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Cell:+1 312 848 9474
Fax: +1 312 698 2969
john.watson@bakermckenzie.com

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From: Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]
Sent: Thursday, May 31, 2012 11:16 AM
To: Watson, John W
Subject: Peabody Proposed Sampling Plan

Hi John,

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Could you please let me know Peabody's availability for tomorrow, Monday or Tuesday of next week? We need to have this discussion as soon as possible because we are already behind our proposed schedule in the 308 request.

Sincerely,

Kasey Barton
Assistant Regional Counsel
US EPA Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
Phone: (312) 886-7163

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EPA-R5-2017-008149RR-40

Kevin Pierard /R5/USEPA/US

06/07/2012 08:43 AM

To Janet Pellegrini, Kasey Barton

cc Patrick Kuefler

bcc

Subject Re: EPA's requests re Peabody's Sampling plan for Bear Run

(b) (5)

Janet Pellegrini

Bryce, et. al., Per our conference call di...

06/06/2012 03:48:39 PM

From: Janet Pellegrini/R5/USEPA/US
To: EFry@peabodyenergy.com, BWest@peabodyenergy.com, SMcGarvie@peabodyenergy.com
Cc: Kasey Barton/R5/USEPA/US@EPA, John.Watson@bakermckenzie.com, Robert Pepin/R5/USEPA/US@EPA
Date: 06/06/2012 03:48 PM
Subject: EPA's requests re Peabody's Sampling plan for Bear Run

Bryce, et. al.,

Per our conference call discussion this afternoon, below are the items EPA is requesting be added to Peabody's proposed sampling plan dated May 23, 2012 for Bear Run Mine. Please submit your revised sampling plan to EPA Region 5 by tomorrow afternoon June 7, 2012, as agreed upon within our call today.

1. Effluent sampling:

- A. All EPA, March 22, 2012 letter originally requested parameters for chemical testing of effluent be included for sampling and testing :
 - 1. Metals: iron, manganese, aluminum, vanadium
 - 2. Specific conductance (Lab)
 - 3. Cations: calcium, magnesium, sodium, and potassium
 - 4. Anions: bicarbonate and phosphate
 - 5. TDS (Lab)
- B. All metal sampling and analysis, as stated in our March 22, 2012 Section 308 letter, "must include methods for both dissolved and total metals."
- C. Also as stated in March 22, 2012 letter, "Selenium analysis must use low level methods such that quantification level is 1.0 ug/L or lower."
- D. Add Effluent location selection of NPDES outfall #054, which would bring total effluent sample locations to six.

2. Biological & Physical Habitat Sampling:

- A. Add another sample location for biological and physical habitat sampling, that of downstream of NPDES outfall #054, this inclusion would bring the total of sample locations for biological and physical habitat to three.

thanks,
Janet

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

EPA-R5-2017-008149RR-41

**David
Werbach/R5/USEPA/US**

06/11/2012 01:50 PM

To Kevin Pierard

cc "Janet Pellegrini"

bcc

Subject Re: Fw: Vanadium re Coal mines

Yes. The original 2008 TMDLs included aluminum, iron, manganese, zinc, and copper. Copper and zinc remained in the 2012 version, aluminum and manganese were dropped as they were total vs. dissolved, and iron was kept but an effluent standard was used as the water quality target. Vanadium was not part of the effort.

Let me know if you need more.

Dave

Kevin Pierard

[Dave. In the original busseron TMDL di...](#)

06/11/2012 11:53:42 AM

From: Kevin Pierard/R5/USEPA/US
To: "David Werbach" <Werbach.David@epamail.epa.gov>
Cc: "Janet Pellegrini" <Pellegrini.Janet@epamail.epa.gov>
Date: 06/11/2012 11:53 AM
Subject: Fw: Vanadium re Coal mines

Dave. In the original busseron TMDL did IDEM include aluminum?

From: Janet Pellegrini
Sent: 06/11/2012 11:28 AM CDT
To: Krista McKim; tyler.kip@epa.gov
Cc: Kasey Barton; pepin.robert@epa.gov; Kevin Pierard
Subject: Vanadium re Coal mines

Krista, Kip,

I have a couple of questions for you both regarding R5's request to Peabody for sampling at their Bear Run mine in SW Indiana.

R5 has asked for a list of chemical parameters to be sampled for that include metals, TDS, anions & cations, etc, and the metal list includes aluminum and vanadium.

Peabody pushed back on aluminum, vanadium and the cations and anions (see attached doc wt table showing our request and PMM's 2 responses).

ORC has asked for a couple of supportive items that I am asking you both for, if you have them:

1. Have you asked for testing for, or are you aware of other Regions doing so, vanadium and aluminum for other coal mine sampling plans?
2. Are you aware of coal mine discharges (effluents) with these elements in them, that are an issue, or contributing to WQS violations or toxicity?
3. Have you asked for testing for, or are you aware of other Regions doing so, the cations and anions for other coal mine sampling plans?

Kasey if you have any other items, feel free to respond to all on this email.

thanks for your time and consideration as regards this matter

we are attempting to schedule a call wt Peabody in the next 2 days, so would appreciate your responses as soon as feasible,

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

-----Forwarded by Janet Pellegrini/R5/USEPA/US on 06/11/2012 11:16AM -----

To: Janet Pellegrini/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA, Patrick Kuefler/R5/USEPA/US@EPA, Robert Pepin/R5/USEPA/US@EPA
From: Kasey Barton/R5/USEPA/US
Date: 06/07/2012 04:59PM
Subject: Fw: Peabody - Bear Run - Proposed Effluent Sampling Plan

Please see the proposal from Peabody, below. Janet and I are out of the office until Monday, so we can meet then and discuss next steps.

Thanks,
Kasey

-----Forwarded by Kasey Barton/R5/USEPA/US on 06/07/2012 04:56PM -----

To: Kasey Barton/R5/USEPA/US@EPA
From: "Watson, John W" <John.Watson@bakermckenzie.com>
Date: 06/07/2012 04:44PM
Cc: "Fry, Eric" <EFry@peabodyenergy.com>, "West, Bryce" <BWest@peabodyenergy.com>, "Yingling, Mark" <MYingling@peabodyenergy.com>
Subject: Peabody - Bear Run - Proposed Effluent Sampling Plan

(See attached file: Response to EPA 308 request 060712.docx)

As promised, I am forwarding you the attached response from Peabody in response to EPA's request to expand the scope of the proposed sampling plan at Bear Run pursuant to the Agency's 308 request. As you will note, Peabody is prepared to increase the number of parameters analyzed and conduct additional monitoring pursuant to your request. There are a few parameters, however, that Peabody is unwilling to analyze for as they simply bear no rational relationship to Clean Water Act effluent discharge or water quality concerns associated with Bear Run and other coal mining operations in the region. Peabody believes strongly that the plan proposed is, by way of concession, exceedingly expansive and therefore fully responsive to the Agency's request. Peabody is prepared to commence the sampling immediately upon approval and, weather permitting, should be able to collect two rounds of sampling in June as requested by the Agency.

Please let us know if you have additional questions.

John W. Watson
Partner
Baker & McKenzie LLP
300 E. Randolph Street, Suite 5000
Chicago, Illinois 60601, USA
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Cell: +1 312 848 9474
Fax: +1 312 698 2969
john.watson@bakermckenzie.com

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Response to EPA 308 request 060712.docx

EPA-R5-2017-008149RR-42

Kasey Barton /R5/USEPA/US

06/11/2012 03:26 PM

To Janet Pellegrini

cc Robert Pepin

bcc

Subject Re: Vanadium re Coal mines

Thanks.

(b) (5)

Kasey Barton
Assistant Regional Counsel
US EPA Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
Phone: (312) 886-7163

Janet Pellegrini

I can fill it in yes. Re removal of param...

06/11/2012 03:08:52 PM

From: Janet Pellegrini/R5/USEPA/US
To: Kasey Barton/R5/USEPA/US@EPA
Cc: Robert Pepin/R5/USEPA/US@EPA
Date: 06/11/2012 03:08 PM
Subject: Re: Vanadium re Coal mines

I can fill it in yes. I have another conf call soon and wont be able to do this til after 5pm today.

(b) (5)

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

-----Kasey Barton/R5/USEPA/US wrote: -----

To: Janet Pellegrini/R5/USEPA/US@EPA, Robert Pepin/R5/USEPA/US@EPA
From: Kasey Barton/R5/USEPA/US
Date: 06/11/2012 02:57PM
Subject: Re: Vanadium re Coal mines

Janet,

(b) (5)

(See attached file: Justifications for request.docx)

Thank you for your help.

Kasey Barton
Assistant Regional Counsel
US EPA Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
Phone: (312) 886-7163

Janet Pellegrini---06/11/2012 02:26:25 PM---Kasey, Another approach we discussed is whats required re an Individual permit, and I mentioned For

From: Janet Pellegrini/R5/USEPA/US
To: Kasey Barton/R5/USEPA/US@EPA
Cc: Kevin Pierard/R5/USEPA/US@EPA, Krista McKim/R5/USEPA/US@EPA, pepin.robert@epa.gov, tyler.kip@epa.gov
Date: 06/11/2012 02:26 PM
Subject: Re: Vanadium re Coal mines

Kasey,

Another approach we discussed is whats required re an Individual permit , and I mentioned Form 2C for permit applicants.

Im attaching the link to IN's NPDES webpage for Form 2C, that includes coal mine sector and lists vanadium and aluminum sulfate as required if expected to be in the effluent.

<http://www.in.gov/idem/4889.htm>

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

-----Janet Pellegrini/R5/USEPA/US wrote: -----

To: Krista McKim/R5/USEPA/US@EPA, tyler.kip@epa.gov
From: Janet Pellegrini/R5/USEPA/US

Date: 06/11/2012 11:28AM

Cc: Kasey Barton/R5/USEPA/US@EPA, pepin.robert@epa.gov, Kevin Pierard/R5/USEPA/US@EPA

Subject: Vanadium re Coal mines

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(b) (5)

Kasey if you have any other items, feel free to respond to all on this email.

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Janet Pellegrini

Environmental Scientist

USEPA Region 5, Water Division, NPDES Branch

77 West Jackson Blvd. #WN-16J

Chicago, IL 60604-3590

phone: (312) 886-4298

fax: (312) 692-2436

-----Forwarded by Janet Pellegrini/R5/USEPA/US on 06/11/2012 11:16AM -----

To: Janet Pellegrini/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA, Patrick Kuefler/R5/USEPA/US@EPA, Robert Pepin/R5/USEPA/US@EPA

From: Kasey Barton/R5/USEPA/US

Date: 06/07/2012 04:59PM

Subject: Fw: Peabody - Bear Run - Proposed Effluent Sampling Plan

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Thanks,

Kasey

-----Forwarded by Kasey Barton/R5/USEPA/US on 06/07/2012 04:56PM -----

To: Kasey Barton/R5/USEPA/US@EPA

From: "Watson, John W" <John.Watson@bakermckenzie.com>

Date: 06/07/2012 04:44PM

Cc: "Fry, Eric" <EFry@peabodyenergy.com>, "West, Bryce" <BWest@peabodyenergy.com>, "Yingling, Mark" <MYingling@peabodyenergy.com>

Subject: Peabody - Bear Run - Proposed Effluent Sampling Plan

(See attached file: Response to EPA 308 request 060712.docx)

As promised, I am forwarding you the attached response from Peabody in response to EPA's request to expand the scope of the proposed sampling plan at Bear Run pursuant to the Agency's 308 request. As you will note, Peabody is prepared to increase the number of parameters analyzed and conduct additional monitoring pursuant to your request. There are a few parameters, however, that Peabody is unwilling to analyze for as they simply bear no rational relationship to Clean Water Act effluent discharge or water quality concerns associated with Bear Run and other coal mining operations in the region. Peabody believes strongly that the plan proposed is, by way of concession, exceedingly expansive and therefore fully responsive to the Agency's request. Peabody is prepared to commence the sampling immediately upon approval and, weather permitting, should be able to collect two rounds of sampling in June as requested by the Agency.

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Partner
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[attachment "Response to EPA 308 request 060712.docx" removed by Janet Pellegrini/R5/USEPA/US]

[attachment "Justifications for request.docx" removed by Janet Pellegrini/R5/USEPA/US]

EPA-R5-2017-008149RR-43

Jennifer Beese /R5/USEPA/US

06/21/2012 11:13 AM

To James Coleman, Janet Pellegrini, Kate Balasa, Lillie Davis,
Quintin White, Sreedevi Yedavalli

cc

bcc

Subject Check-in on FY 13 Joint Work Plan Development (NPDES
and WECA Staff)

Meeting

Date 08/02/2012

Time 09:00:00 AM to 10:00:00 AM

Chair Jennifer Beese

Invitees

Required James Coleman; Janet Pellegrini; Kate Balasa; Lillie Davis; Quintin White;
Sreedevi Yedavalli

Optional

FYI

Location

 OEPAFY12JWP.pdf

 FY12IDEMJOINTWorkPlanfinal.pdf

 FY12MDEQJWP.pdf

 R5-IEPA FY12 Joint Work Plan_final_102711_revised.pdf

 MPCA FY12JwP.pdf

 WDNRFY12JWP.pdf

Today we met to discuss a general time frame for working with our State counterparts to develop FY 13 Joint Work Plans.

We agreed to meet again August 2 to check in on progress and identify/discuss any potential problem issues .

Per your request, I've attached pdf versions of each State FY 12 Joint Work Plan . These should provide a good start for initial discussions with your state counterparts as you begin developing FY 13 plans.

If you have any questions, please contact me . thanks

EPA-R5-2017-008149RR-44

Kevin Pierard /R5/USEPA/US

07/03/2012 09:39 AM

To Tinka Hyde

cc

bcc

Subject IDEM Letter re: Peabody 308 request

Tinka - attached is the letter Bruno mentioned was coming to us concerning our 308 to Peabody. The letter suggest that we should have gathered data that was already available. We did gather and evaluate available data and used that analysis to recommend to IDEM that they require an IP. The only response we received was from IDNR. We also requested and received from Peabody other available data prior to our 308 requesting the additional study. The additional study is intended to provide us with data sufficient to determine impacts from this facility. This effort is complicated by the fact that this very large watershed has been highly altered by the extensive amount of mining that has been allowed. We have come to agreement with Peabody on the study scope and parameters. We have been very judicious and reasonable in our discussions with the company. IDEM relies almost exclusively on SMCRA and IDNR and the minimal GP for surface mining. There is no indication that IDEM independently assesses proposed operations in making a determination that the GP is appropriate. This will be addressed when IDEM notices the new GP next year.

We could craft a lengthy response to address the history of our effort to get IDEM to do a more thorough analysis and address each point made in the letter; or a short letter thanking him for the concern he has expressed on behalf of Peabody; or remain silent. (b) (5)

(b) (5) I am leaning toward a short letter response to simply close the loop (b) (5)

(b) (5) Let me know what you think.



IDEM complaint about Peabody 308.pdf

EPA-R5-2017-008149RR-45

Tinka Hyde/R5/USEPA/US

07/13/2012 05:19 PM

To Gregory Peck, Denis Borum, Matthew Klasen

cc Henry.Timothy, Pierard.Kevin, Beckmann.Ronna

bcc

Subject FOLLOW-UP: Peabody 308 summary and intended use of the information

Greg, Denis and Matt: As we discussed in our call earlier this week regarding our 308 to Peabody (Indiana), please find attached a description of our basis for the 308. In addition, a brief history and status of Peabody's response is provided below:

In October 2011, EPA sent to Peabody a request, under section 308 of the CWA, for all existing permit-required data from the last 5 years from the Bear Run site. Peabody complied with the request. The information indicated that additional data were needed to determine the nature of the discharges from the site and potential impacts to water quality.

On March 22, 2012, Region 5 sent Peabody a second CWA 308 request, asking the company to submit and implement a sampling plan to characterize its effluent and in-stream biological, chemical and physical conditions. On May 23, 2012 EPA received a draft sampling plan from Peabody.

On June 28, 2012 Peabody submitted their final sampling plan which incorporated EPA's comments to include a comprehensive suite of chemical parameters and an additional sample point. The sampling plan will be implemented starting July 2012, with final reports due on November 19, 2012.

Let me know if you have questions. Thanks.



Summary of 2nd Info Req to Peabody 4-12-12.docx

Tinka G. Hyde
Director, Water Division
U.S. EPA (W-15J)
77 W. Jackson Blvd., Chicago, IL 60604-3590
Fax: (312) 697-2562, Phone: (312) 886-9296

EPA-R5-2017-008149RR-46

Kevin Pierard /R5/USEPA/US

07/19/2012 10:27 AM

To Janet Pellegrini

cc Patrick Kuefler, Stephen Jann

bcc

Subject Re: Fw: Bear Run Letter - need NPDES thoughts

It sounds to me as though the new language would be a bit tighter, essentially saying if IDEM does not require an IP that EPAs action could be to direct the Corps to include in the 404 permit provisions relating to WQ that we would like to have seen in an IP. If that is what they are saying I approve.

FYI The Louisville district does not like this kind of thing and has in the past raised that these things should be taken care of under 402 permits.

Janet Pellegrini

[see below the added language interpre...](#)

07/19/2012 10:22:58 AM

From: Janet Pellegrini/R5/USEPA/US
To: Patrick Kuefler/R5/USEPA/US@EPA
Cc: Kevin Pierard/R5/USEPA/US@EPA, Stephen Jann/R5/USEPA/US@EPA
Date: 07/19/2012 10:22 AM
Subject: Fw: Bear Run Letter - need NPDES thoughts

see below

the added language interprets our possible direction with this IP issue , so if I push back would prefer to have NPDES mngmt alerted and any input re OGC's spin

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 07/19/2012 10:19 AM -----

From: Andrea Schaller/R5/USEPA/US
To: Janet Pellegrini/R5/USEPA/US@EPA,
Cc: Sue Elston/R5/USEPA/US@EPA, Peter Swenson/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA
Date: 07/19/2012 10:03 AM
Subject: Bear Run Letter - need NPDES thoughts

Janet,

HQ OWOW (Dave Evans and Chris Hunter) and Office of General Counsel made a new suggestion on some NDPEs language in the Bear Run letter. I highlighted their suggested change below and lined through the original language. I am not sure on the accuracy of headquarters recommendation. Please let me know what your suggestions are and I will include in the next version of the letter that I send to Tinka.

"Bear Run Amendment 5, LRL-2011-1117-gjd (S-256-5), would impact 514,498 linear feet of streams and 157.81 acres of wetlands. The project is located west of Bear Run East Pit and Bear Run Amendment 4. The SMCRA permit application and Section 401 application are under review by the Indiana Department of Natural Resources and Indiana Department of Environmental Management (IDEM), respectively. EPA requested that IDEM authorize discharges from the Bear Run Mine under a National Pollutant Discharge Elimination System (NPDES) individual permit because the receiving waters are impaired, and Indiana's NPDES general permit, under which the mine now discharges, does not contain water quality-based limits to protect the waters. To date, IDEM has not acted on EPA's request. **Depending on IDEM's final actions regarding these concerns, EPA may raise water quality considerations that**

should be address by the Corps during their Section 404 application review (as per 33 CFR 320.4(d)). The Corps' review of the application shall consider the Certification of compliance by the State of Indiana unless EPA advises of other aspects to be taken into consideration (33 CFR §320.4(d)). "

Thanks,
Andrea

EPA-R5-2017-008149RR-47

Peter Swenson /R5/USEPA/US

08/08/2012 04:33 PM

To james.m.townsend, "Ricketts, Michael S LRL", "Delancey, George J LRL", "Fry, Eric", "West, Bryce", Gregory Peck, Matthew Klasen, Tinka Hyde, Sue Elston, Andrea Schaller, Melissa Gebien, Timothy Henry

cc

bcc

Subject For Bear Run discussion tomorrow

This is a reminder about our next Bear Run call -

Our next call is Thursday Aug 9th at 8 am Central/ 9 am Eastern

Exemption 6

I am attaching a discussion regarding temporal loss that we would like to cover during the call .



Temporal loss.docx

Peter Swenson (WW-16J)
Watersheds and Wetlands Branch
U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, IL 60604
312-886-0236

EPA-R5-2017-008149RR-48

Joan Rogers /R5/USEPA/US

08/24/2012 08:26 AM

To Janet Pellegrini

cc Patrick Kuefler

bcc

Subject Re: Fw: Bear Run Effluent Sampling Plan

Hi Janet,

Hi Janet,

I've been in and out of the office the past week. Sorry I didn't get back to you right away.

The climate normals are pretty easy to get. Check out my SOP on how to access this.

The local rainfall takes a bit more work. One place where you can get it is from the National Weather Service webpage. <http://www.weather.gov/>
Click on the map to zoom in to the area in question. Then click on the Local link under Climate on the left hand side. It will bring up the station locations in the map frame that have weather forecast offices. Then choose the product that you want. If you want August, you will have to get it for each day, since August's Monthly Weather Summary isn't complete yet. The Climate Normal values are also in the Monthly Weather Summaries.

I hope this helps. I am only in the office for a couple of hours this morning prepping for inspections next week, so if you need more help on this I'll have more availability late next week.

Joan Rogers
Environmental Scientist
EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604
phone: 312-886-2785
fax: 312-692-2144
rogers.joan@epa.gov



Rainfall Frequency, Climate Normals and Historic Climate Data.docx

Janet Pellegrini

Joan, Following up my vm, with this em...

08/21/2012 05:43:58 PM

From: Janet Pellegrini/R5/USEPA/US
To: Joan Rogers/R5/USEPA/US@EPA,
Cc: Patrick Kuefler/R5/USEPA/US@EPA
Date: 08/21/2012 05:43 PM
Subject: Fw: Bear Run Effluent Sampling Plan

Joan,
Following up my vm, with this email.

Background

Peabody is currently, per EPA R5 NPDES's March 22, 2012 308 request to the company, conducting sampling in their southwestern Indiana mine site Bear Run.

Since we are having historically low rainfall this year , with drought conditions throughout the midwest, they are understandably not able to take active discharge samples , with the sedimentation ponds too low to discharge. Attached is their status report with my questions to them and their responses .

NPDES met with ORC today and obtained their agreement to have me contact Peabody to ask them how we can adjust the sampling to ensure we get enough data to assess the site. Originally we asked for 2 samples, per outfall per month , for 4 months, one baseflow and one wet weather/ precipitation related discharge.

I will be calling Peabody on August 28th or 29th, after receiving their first monthly report. We would like rainfall data in hand, prior to my conversation with Peabody.

Request

Could you pull rainfall data for this mine site from the month of August , also July to confirm their attached report?

If its possible to also get an idea of normal rainfall for Sept, October, that would be helpful.

If so, I can give you lat/longs for each outfall in the sampling plan and also for the site overall .

If this is something you can show me how to do, I would appreciate that, if its easier for you. If its more burdensome, than just pulling the info yourself, please indicate as such.

thanks much,

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 08/21/2012 05:30 PM -----

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>
To: Janet Pellegrini/R5/USEPA/US@EPA,
Date: 08/06/2012 11:32 AM
Subject: Bear Run Effluent Sampling Plan

Janet, regarding your questions below:

1. The following precipitation events were recorded in July by a rain gage located at the Bear Run mine office:

<u>Date</u>	<u>Amount</u>
July 1	0.19"
July 2	0.01"
July 7	1.17"
July 8	0.73"
July 14	0.14"
July 19	0.15"
July 25	0.10"
July 26	0.01"

2. There were no precipitation events recorded in July which were sufficient to cause a

discharge or flow from any of the designated outfalls. Note that because of low pool levels in sediment basins due to extremely low precipitation in May and June, there were no flows from any of the designated basins when sampling commenced on July 12 except from outfalls 053 and 062 which were due to dewatering of pits left by previous mining operations.

We will provide you data no later than the 28th of the month following the month the sample was collected, which is the reporting schedule required for water monitoring by Indiana regulatory agencies. As such, the July data will be submitted to you no later than the 28th of August. Note that since there may be multiple sampling events in a month, the 28th is used to ensure that laboratories have time to analyze all samples and so we can provide all monthly data in one report. Please let me know of any questions.

Thanks ... Scott

Peabody Energy
7100 Eagle Crest Blvd
Evansville, IN 47715
812-434-8593

From: Janet Pellegrini [<mailto:Pellegrini.Janet@epamail.epa.gov>]
Sent: Friday, August 03, 2012 4:48 PM
To: McGarvie, Scott D.
Cc: Patrick Kuefler
Subject: Re: Bear Run Effluent Sampling Plan

Scott,
Thanks for the status report on sampling at Bear Run. I do have a couple of questions related to your report.

1. Were there any rainfall events during the month of July within the Bear Run mine facility?
2. Were those rainfall events sufficient to trigger a discharge or flow at the designated sampling outfalls for the sampling plan?

The June 28, 2012 Peabody sampling plan committed to conducting 2 sampling events per outfall per month, one base flow and one under precipitation conditions.

Additionally, EPA requests that the data from any sampling be submitted, per the March 22, 2012 EPA request, every 30 days after water quality sampling begins. Since you sampled on July 12, 2012, we would expect to receive sampling results by August 12, 2012.

thanks much,

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

▼ "McGarvie, Scott D." ---08/03/2012 09:20:04 AM---Janet, below is an update for July: Dry condition samples were collected from outfalls 053 and 062 o

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>
To: Janet Pellegrini/R5/USEPA/US@EPA,
Date: 08/03/2012 09:20 AM
Subject: Bear Run Effluent Sampling Plan

Janet, below is an update for July:

Dry condition samples were collected from outfalls 053 and 062 on July 12 and on the same day no-flows were documented for outfalls 03R, 18R, 044 and 058. Since sampling commenced in July, there has been insufficient precipitation to collect wet condition samples from outfalls 03R, 18R, 044, 053, 058 and 062.

Please let me know if any questions, etc.

Regards ... Scott

Peabody Energy
7100 Eagle Crest Blvd
Evansville, IN 47715
812-434-8593

From: McGarvie, Scott D.
Sent: Wednesday, June 27, 2012 10:46 AM
To: 'Janet Pellegrini'
Cc: Fry, Eric; West, Bryce
Subject: RE:

Janet:

NPDES samples are collected only when the outfall is flowing. The two types of flow conditions are base flow (dry conditions) or precipitation (wet conditions). The plan specifies that effluent samples will be collected from each of the listed outfalls twice a month for a total of four months. Sample collection will be dependent on the discharge condition, with one sample collected under base flow conditions and the other sample collected under precipitation conditions. A non-flowing outfall is not sampled and is reported as a no-flow.

Does this help?

Thanks ... Scott

From: Janet Pellegrini [<mailto:Pellegrini.Janet@epamail.epa.gov>]
Sent: Wednesday, June 27, 2012 9:54 AM

To: West, Bryce
Cc: Fry, Eric; McGarvie, Scott D.
Subject: Re:

Bryce,
Thanks for responding, especially since you are on vacation.
I will send my question to Eric and Scott

Eric, Scott,
I understand from reviewing all of the data you've submitted that sampling does take place even when there is no flow at an NPDES outfall.
Can you explain how that is done?
Additionally, the sampling plan submitted in response to the 308 request includes sampling during a base flow condition, can you also define that condition and how the sampling is done for that event as well?

thanks much,

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

▼ "West, Bryce" ---06/27/2012 06:42:15 AM---Janet I'm away on vacation this week, and your voice mail did not come thru very well. I believe you

From: "West, Bryce" <BWest@peabodyenergy.com>
To: Janet Pellegrini/R5/USEPA/US@EPA,
Cc: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>, "Fry, Eric" <EFry@peabodyenergy.com>
Date: 06/27/2012 06:42 AM
Subject:

Janet
I'm away on vacation this week, and your voice mail did not come thru very well. I believe you were asking about a no flow situation. Give Scott or Eric a call if you have a question.
812-434-8500.
Thanks
Bryce

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EPA-R5-2017-008149RR-49

Joan Rogers /R5/USEPA/US

08/24/2012 09:12 AM

To Patrick Kuefler

cc Janet Pellegrini, Ryan Bahr

bcc

Subject Re: Fw: Bear Run Effluent Sampling Plan

Not a problem.

Joan Rogers
Environmental Scientist
EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604
phone: 312-886-2785
fax: 312-692-2144
rogers.joan@epa.gov

Patrick Kuefler

Joan - thanks for your help. I know this...

08/24/2012 09:10:20 AM

From: Patrick Kuefler/R5/USEPA/US
To: Joan Rogers/R5/USEPA/US@EPA,
Cc: Janet Pellegrini/R5/USEPA/US@EPA, Ryan Bahr/R5/USEPA/US@EPA
Date: 08/24/2012 09:10 AM
Subject: Re: Fw: Bear Run Effluent Sampling Plan

Joan - thanks for your help. I know this is not part of your normal duties. We appreciate your help and guidance.

Patrick F. Kuefler
Chief, Section I
NPDES Programs Branch
Phone 312/353-6268, FAX 312/886-0168

Joan Rogers

Hi Janet, Hi Janet,

08/24/2012 08:26:57 AM

Janet Pellegrini

Joan, Following up my vm, with this em...

08/21/2012 05:43:58 PM

EPA-R5-2017-008149RR-50

**Kerryann
Weaver/R5/USEPA/US**

09/11/2012 10:52 AM

To "Retherford, Russell L"

cc

bcc

Subject Update

Hi Rusty,

Well sir, it's been a long time and I feel like you're ignoring me!!! I need a Somerville update because I [REDACTED] [REDACTED] ---- yes, it's been that long since we've talked.

Hope to hear from you this week.

Thanks,

Kerryann

312-353-9483

EPA-R5-2017-008149RR-51

Jori Taylor/R5/USEPA/US

09/13/2012 07:54 AM

To R5 WD Management Team

cc Janet Pellegrini

bcc

Subject (New Request) DUE 9/18: Input Needed for Questions for the Indiana Industry Meeting

Please get input to me by COB , Tuesday, 9/18 (This is in addition to the Hot Issue Topics that are due)

This just in.... Attached please find a list of questions for the Indiana Industry Meeting .

There is a section of General Questions (which we may have some input for) and a section for Water Issues.



IN Draft Meeting Agenda-USEPA-RV-09-26-12.doc

The meeting will follow a format similar to last year , with air, land and water managers briefly discussing current, Hot Issues before opening the floor for Q & A.

In addition , if submitting Hot Issue Topics - please use the following format :

- Issue
- Background
- Messages

Hot Issue Topics are still due to me by COB , Monday, 9/17 since these are due to the 19th floor . And don't forget to check in with your IDEM counterparts to see what they are preparing as well as to coordinate how the time / issues will be split .

EPA-R5-2017-008149RR-52

Tinka Hyde/R5/USEPA/US

09/13/2012 10:01 AM

To R5 WD Management Team, taylor.jori

cc

bcc

Subject ACTION: Indiana Industry Meeting -- Discussion Questions

As I mentioned at our WMT meeting earlier this week, we will be meeting with Indiana Industry later in the month with IDEM. Attached is the list of questions they provided. I've pulled out the Water questions and pasted them below with assignments. Please make sure you coordinate with your IDEM counterpart as appropriate and provide your input to Jori by COB: SEPTEMBER 19, 2012. Thanks

Water Issues

1. What is the status of EPA's evaluation and potential promulgation of new selenium water quality standards? Is there a timeframe for when EPA will announce whether new standards will be proposed? What is the likely method for deriving the standards (i.e., fish tissue, water column, etc.)? Is the data EPA is considering available for review? **(WQB)**
2. With the significant drought in the Midwest we experienced this year and the implications on curtailing electricity and industrial production due to concerns with exceeding thermal discharge limits, what relief can EPA provide sources that may need to temporarily exceed permitted thermal limits in order to provide electricity and other necessary services to Midwest consumers. **(NPDES and WECAB)**
3. Please describe the resources (staffing, funding, etc.) in Region V being devoted to reviewing Indiana coal-related NPDES new permits, renewals, and major modifications. **(NPDES - Please coordinate with WWB)**
 - a. How many of these permitting actions are pending with EPA Region V?
 - b. What type of comments and/or objections has Region V been making with respect to these permitting actions?
 - c. Is any other EPA region reviewing all NPDES new permits, renewals, and major modifications proposed by State agencies implementing an EPA approved water program?
 - d. Is Region V reviewing non-coal NPDES proposed permitting actions in any states? What about other EPA regions?
4. With respect to EPA's new general permit for storm water discharges from construction projects: **(NPDES)**
 - a. What is the status of the proposed numeric turbidity limits that have been stayed?
 - b. Please describe Region V's expectation of how the states who administer their own general storm water permit should consider EPA's new permit when renewing their state permits.

5. What is the status of EPA's rulemaking effort to address post-construction storm water discharges from new or redeveloped sites as required by the settlement agreement in Fowler v. EPA? **(NPDES)**
6. What efforts, if any, is Region V undertaking with respect to whether to propose water quality standard for conductivity, TDS, or sulfate? **(WQB)**
7. What issues have Region V recently raised with the Indiana Department of Environmental Management concerning Indiana's water quality standards? **(WQB)**
8. What efforts, if any, is EPA undertaking with respect to whether to propose water quality standard for bromides? Any other regulatory effort concerning bromides? **(WQB)**
9. Please provide a summary of EPA's efforts to regulate water discharges associated with hydraulic fracturing. **(NPDES - please coordinate with UIC)**

General

1. Several months ago the President issued an Executive Order requiring coordination amongst federal agencies when reviewing oil and gas activities. What are the specific actions Region V can identify that are of importance to the state of Indiana? **(UIC)**
2. What are the management top five priorities for Region V for the current year? **(ALL - Please identify you top 2 focus areas)**
3. What are the current enforcement objectives within Region V and are there any new significant enforcement initiatives by EPA with regard to Indiana operations? **(WECAB - please coordinate with GWDW, UIC, and WW)**
 - a. Has EPA undertaken any enforcement action in Indiana based on aerial inspections? If so, what industries or activities are the focus of those investigations and does EPA plan to continue to utilize aerial surveillance? **(WECAB)**

Tinka G. Hyde
Director, Water Division
U.S. EPA (W-15J)

77 W. Jackson Blvd., Chicago, IL 60604-3590
Fax: (312) 697-2562, Phone: (312) 886-9296

----- Forwarded by Tinka Hyde/R5/USEPA/US on 09/13/2012 09:48 AM -----

From: Ronna Beckmann/R5/USEPA/US
To: Hedman.Susan@epa.gov, Tinka Hyde/R5/USEPA/US@EPA, George Czerniak/R5/USEPA/US@EPA, Richard Karl/R5/USEPA/US@EPA, Christopher Korleski/R5/USEPA/US@EPA, Margaret Guerriero/R5/USEPA/US@EPA, Robert Kaplan/R5/USEPA/US@EPA, Mathur.Bharat@epa.gov,
Cc: Norma Ignasiak/R5/USEPA/US@EPA, Kimberly Hoffman/R5/USEPA/US@EPA, Lauren Bumba/R5/USEPA/US@EPA, Megan McSeveney/R5/USEPA/US@EPA, Margaret Gray/R5/USEPA/US@EPA, Harris.Michael@epa.gov, Henry.Timothy@epa.gov, Sypniewski.Bruce@epa.gov, ballotti.douglas@epa.gov, Carney.Wendy@epa.gov, Frey.Bertram@epa.gov, Denise Gawlinski/R5/USEPA/US@EPA, Karim.Naimah@epa.gov, williams.felicia@epa.gov, Darlene Weatherspoon/R5/USEPA/US@EPA, Linda Sliwa/R5/USEPA/US@EPA, Isidra Martinez/R5/USEPA/US@EPA, Speizman.Elissa@epa.gov, Rowan.Anne@epa.gov
Date: 09/12/2012 04:46 PM
Subject: Indiana Industry Meeting - - Discussion Questions

Please find attached a list of questions from the Indiana industry group in preparation for our September 26 meeting. I've let the group know that we will be following a format similar to last year , with managers (air, land, water) briefly discussing current, hot Indiana issues before opening the floor for Q & A.

Please review the attached questions in advance of the meeting , and let Bharat and me know if you have any concerns.

Thanks,

Ronna Beckmann
Office of the Regional Administrator
U.S. Environmental Protection Agency, Region 5
312-886-0689



IN Draft Meeting Agenda-USEPA-RV-09-26-12.doc

EPA-R5-2017-008149RR-53

Kevin Pierard /R5/USEPA/US

09/13/2012 12:19 PM

To Janet Pellegrini

cc

bcc

Subject Fw: ACTION: Indiana Industry Meeting - - Discussion Questions

Janet - this is Tinka's message that seems to assign branches. You may need another vacation after this is done

----- Forwarded by Kevin Pierard/R5/USEPA/US on 09/13/2012 12:18 PM -----

From: Tinka Hyde/R5/USEPA/US
To: R5 WD Management Team, taylor.jori@epa.gov
Date: 09/13/2012 10:01 AM
Subject: ACTION: Indiana Industry Meeting - - Discussion Questions

As I mentioned at our WMT meeting earlier this week, we will be meeting with Indiana Industry later in the month with IDEM. Attached is the list of questions they provided. I've pulled out the Water questions and pasted them below with assignments. Please make sure you coordinate with your IDEM counterpart as appropriate and provide your input to Jori by COB: SEPTEMBER 19, 2012. Thanks

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 - b. What type of comments and/or objections has Region V been making with respect to these permitting actions?
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(NPDES)

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 - b. Please describe Region V's expectation of how the states who administer their own general storm water permit should consider EPA's new permit when renewing their state permits.
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 7. What issues have Region V recently raised with the Indiana Department of Environmental Management concerning Indiana's water quality standards? **(WQB)**
 8. What efforts, if any, is EPA undertaking with respect to whether to propose water quality standard for bromides? Any other regulatory effort concerning bromides? **(WQB)**
 9. Please provide a summary of EPA's efforts to regulate water discharges associated with hydraulic fracturing. **(NPDES - please coordinate with UIC)**

General

1. Several months ago the President issued an Executive Order requiring coordination amongst federal agencies when reviewing oil and gas activities. What are the specific actions Region V can identify that are of importance to the state of Indiana? **(UIC)**
2. What are the management top five priorities for Region V for the current year? **(ALL - Please identify you top 2 focus areas)**
3. What are the current enforcement objectives within Region V and are there any new significant enforcement initiatives by EPA with regard to Indiana operations? **(WECAB - please coordinate with GWDW, UIC, and WW)**
 - a. Has EPA undertaken any enforcement action in Indiana based on aerial inspections? If so, what industries or activities are the focus of those investigations and does EPA plan to continue to utilize aerial surveillance? **(WECAB)**

Tinka G. Hyde
Director, Water Division
U.S. EPA (W-15J)

77 W. Jackson Blvd., Chicago, IL 60604-3590

Fax: (312) 697-2562, Phone: (312) 886-9296

----- Forwarded by Tinka Hyde/R5/USEPA/US on 09/13/2012 09:48 AM -----

From: Ronna Beckmann/R5/USEPA/US
To: Hedman.Susan@epa.gov, Tinka Hyde/R5/USEPA/US@EPA, George Czerniak/R5/USEPA/US@EPA, Richard Karl/R5/USEPA/US@EPA, Christopher Korleski/R5/USEPA/US@EPA, Margaret Guerriero/R5/USEPA/US@EPA, Robert Kaplan/R5/USEPA/US@EPA, Mathur.Bharat@epa.gov,
Cc: Norma Ignasiak/R5/USEPA/US@EPA, Kimberly Hoffman/R5/USEPA/US@EPA, Lauren

Bumba/R5/USEPA/US@EPA, Megan McSeveney/R5/USEPA/US@EPA, Margaret Gray/R5/USEPA/US@EPA, Harris.Michael@epa.gov, Henry.Timothy@epa.gov, Sypniewski.Bruce@epa.gov, ballotti.douglas@epa.gov, Carney.Wendy@epa.gov, Frey.Bertram@epa.gov, Denise Gawlinski/R5/USEPA/US@EPA, Karim.Naimah@epa.gov, williams.felicia@epa.gov, Darlene Weatherspoon/R5/USEPA/US@EPA, Linda Sliwa/R5/USEPA/US@EPA, Isidra Martinez/R5/USEPA/US@EPA, Speizman.Elissa@epa.gov, Rowan.Anne@epa.gov

Date: 09/12/2012 04:46 PM

Subject: Indiana Industry Meeting - - Discussion Questions

Please find attached a list of questions from the Indiana industry group in preparation for our September 26 meeting. I've let the group know that we will be following a format similar to last year, with managers (air, land, water) briefly discussing current, hot Indiana issues before opening the floor for Q & A.

Please review the attached questions in advance of the meeting, and let Bharat and me know if you have any concerns.

Thanks,

Ronna Beckmann
Office of the Regional Administrator
U.S. Environmental Protection Agency, Region 5
312-886-0689



IN Draft Meeting Agenda-USEPA-RV-09-26-12.doc

EPA-R5-2017-008149RR-54

**James
Coleman/R5/USEPA/US**
09/27/2012 10:21 AM

To Ryan Bahr
cc Jennifer Beese, Rhiannon Dee, Felicia Chase, Patrick
Kuefler, Quintin White, Janet Pellegrini, Cheryl Burdett
bcc
Subject IDEM draft FY13 Joint Work Plan

Please find attached a copy of IDEM's draft FY13 JWP. I highlighted in "blue" the changes made by IDEM so please review and let me know if they are satisfactory or need additional work. Tentative WECA's revisions are in "Red", but please see my comment under priority #1 for surface mining seeking draft language to address the petition to withdraw. In addition, please thoroughly review this draft for items you think are missing and should be included for FY13. It would be greatly appreciated, if you could review and provide your comments as soon as possible. Thanks

James Coleman, Information
Management Specialist (WECAB)
USEPA - Region 5 (WC-15J)
77 West Jackson Blvd
Chicago, IL 60604
312-886-0148



fax: 312-582-5827IDEM FY13 Joint Work Plan draft v1.xlsx

EPA-R5-2017-008149RR-55

Tinka Hyde/R5/USEPA/US
Sent by: Norma Ignasiak

10/02/2012 09:25 AM

To Andrew Tschampa, Anthony Carrollo, Barbara VanTil, Charlene Denys, David Pfeifer, David Werbach, Dean Maraldo, Debbie Baltazar, Jennifer Beese, Jori Taylor, Kevin Pierard, Kristen Faulhaber, Linda Holst, Lisa Perenchio, Matthew Gluckman, Nicholas Damato, Patrick Kuefler, Peter Swenson, Rebecca Harvey, Rita Bair, Ryan Bahr, Stephen Jann, Steve Marquardt, Thomas Davenport, Thomas Poy, Timothy Henry, Wendy Melgin

cc

bcc

Subject Conference Call w/Bruno Pigott, IDEM [312/233-2550] re: TMDLs, permit backlogs, etc.

Meeting

Date 11/07/2012

Time 02:00:00 PM to 03:00:00 PM

Chair Tinka Hyde

Invitees

Required Andrew Tschampa; Anthony Carrollo; Barbara VanTil; Charlene Denys; David Pfeifer; David Werbach; Dean Maraldo; Debbie Baltazar; Jennifer Beese; Jori Taylor; Kevin Pierard; Kristen Faulhaber; Linda Holst; Lisa Perenchio; Matthew Gluckman; Nicholas Damato; Patrick Kuefler; Peter Swenson; Rebecca Harvey; Rita Bair; Ryan Bahr; Stephen Jann; Steve Marquardt; Thomas Davenport; Thomas Poy; Timothy Henry; Wendy Melgin

Optional

FYI

Location Tinka's office

AGENDA ITEMS ARE DUE TO NORMA BY FRIDAY, NOVEMBER 2. ATTACHED IS THE AGENDA FROM THE LAST CALL PLEASE UPDATE.



IDEM agenda 06142012.doc

EPA-R5-2017-008149RR-56

Stephen Jann /R5/USEPA/US

10/04/2012 08:06 AM

To Kevin Pierard

cc Patrick Kuefler

bcc

Subject Re: Fw: RE: Draft Indiana Gen Permit and Fact Sheet for
Petroleum Products Terminals

I left a vm for Paul about 20 min. ago. I intend to ask whether Paul has a staff person with whom Mike could work rather than engaging Catherine, who I believe is a supervisor. Previously I sent a note that should have signaled to Mike to set question 5 aside because the policy issue underlying the question will be addressed in Brian's review of the permit. I agree with you and Paul that most of the others are irrelevant.

Stephen M. Jann
Chief, Section 2
NPDES Programs Branch (WN-16J)
EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446
jann.stephen@epa.gov

Kevin Pierard

I had similar questions but am letting th...

10/04/2012 07:56:42 AM

From: Kevin Pierard/R5/USEPA/US
To: Patrick Kuefler/R5/USEPA/US@EPA, Stephen Jann/R5/USEPA/US@EPA,
Date: 10/04/2012 07:56 AM
Subject: Fw: RE: Draft Indiana Gen Permit and Fact Sheet for Petroleum Products Terminals

I had similar questions but am letting this run its course. Mike needs to be able to communicate effectively and maintain focus on requirements and rationale for the permit

-----Forwarded by Kevin Pierard/R5/USEPA/US on 10/04/2012 07:53AM -----

To: MichaelE Davis/R5/USEPA/US@EPA, "Hess, Catherine" <CHESS@idem.IN.gov>
From: "Higginbotham, Paul" <PHIGGINB@idem.IN.gov>
Date: 10/04/2012 07:30AM
Cc: Brian Bell/R5/USEPA/US@EPA, David Soong/R5/USEPA/US@EPA, "GWINN, JOSEPH" <JGWINN@idem.IN.gov>, John Colletti/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA, Patrick Kuefler/R5/USEPA/US@EPA, "JORDAN, SHERI" <SJORDAN@idem.IN.gov>, Stephen Jann/R5/USEPA/US@EPA
Subject: RE: Draft Indiana Gen Permit and Fact Sheet for Petroleum Products Terminals

Michael – I am sorry to jump in here since I was not on the call and don't have the context of your questions below, but I am having a hard time understanding the relevance to questions; 1, 2, 3, 5 and 7?

From: MichaelE Davis [mailto:Davis.Michael@epamail.epa.gov]
Sent: Wednesday, October 03, 2012 4:34 PM

To: Hess, Catherine

Cc: Brian Bell; David Soong; GWINN, JOSEPH; John Colletti; Kevin Pierard; Patrick Kuefler; Higginbotham, Paul; JORDAN, SHERI

Subject: RE: Draft Indiana Gen Permit and Fact Sheet for Petroleum Products Terminals

Good afternoon Catherine,

Thank you for your response. However, there are many more questions we discussed on our conference call that occurred on Tuesday, 25 Sept. 2012 at 2:30pm - 3:30pm CST. The following questions that we discussed on our conference call are as follows:

Q1.) Are there any "lease agreements" (the terminals own the tanks but lease the tanks to the owner's of stored products) pertaining to any of the 40 facilities under this General Permit (G.P.)? A1.) Further discussion needed on this issue.

Q2.) How many of the 40 facilities have Above Ground Storage Tanks (AGSTs) and Below Ground Storage Tanks (BGSTs)? A2.) Need to check on how many ABSTs and BGSTs there are.

Q3.) How many of these 40 facilities ship and receive product via barge, ship, rail and by truck? A3.) Need to check with facilities.

Q4.) We discussed these pollutant parameters [Total Petroleum Hydrocarbons (TPH), Phenols, Napathenic acids, Aeromatics: Benzene, Toluene, Ethyl-benzene and Xylene (BTEX) and Surfactants] that are common pollutants in tank bottom water but not stated in the G.P. and Fact Sheet (F.S.). A4.) Further discussion was to occur.

Q5.) How many of these 40 facilities discharge to receiving waterbodies that are on the 303(d) list? A5.) Need to check on which facilities discharge to 303(d) list waterbodies.

Q6.) On page 10 of 28 of the D.P. in (b)(1) in the 2nd/ sentence is confusing pertaining to how many of the 40 facilities discharge tank bottom water directly to outfall? A6.) Need to clarify, perform a survey.

Q7.) We discussed adding Compliance Schedule (CS) to Section 8.14 "Construction Permits" on page 21 of 28 of the (G.P.)? A7.) Take under advisement.

Q8.) We discussed clarifying the term "alternative general permit" that is stated in Section 9.2 "Permittee may request individual permit instead of coverage under this general permit" on page 28 of 28 of the (G.P.)? A8.) Need to define this stated term.

Catherine, could you or have someone in your staff provide me detailed answers to these eight (8) questions.

All the other question like these were answered during our conference call. However, we were going to have a followup conference call to cover other remaining questions. The remaining questions pertain to stating Code of Federal Regulation (CFR) and the Clean Water Act (CWA) provisions in the G.P. and Fact Sheet. Catherine, please, let me know what date and time is convenient to have a followup conference call to answer the remaining questions.

Mr. Brian Bell is the Stormwater contact in the NPDES Permit Program Branch of the Water Division (Region 5) has been out sick and has been unable to participate in our conference call and provide input to his part of this assignment. So, I do not know what questions and/or comments he would have.

Thank you Catherine.

Best regards,

Michael "DOC" E. Davis
Chemical, Mechanical and Energy Engineer
USEPA, Region 5, Chicago

Phone: 630-340-4351

RE: Draft Indiana Gen Permit and Fact Sheet for Petroleum Products Terminals

Hess, Catherine

to: MichaelE Davis, Patrick Kuefler, Kevin Pierard

10/03/2012 09:49 AM

Cc: David Soong, "GWINN, JOSEPH", "Higginbotham, Paul", "JORDAN, SHERI", Stephen Jann, John Colletti, Jodie Opie, Brian Bell

Mr. Davis:

According to my notes there were 3 questions which I was going to try to answer. The first question pertained to discharges of tank bottom water. Even though the general permit by rule authorizes the discharge of tank bottom water. We have surveyed most of the facilities currently covered by the general permit-by-rule, and they have indicated that they have not had any discharges of tank bottom water in the past 5 years. The second question was how many of the existing facilities covered by the general permit by rule are located in the Great Lakes basin. The answer to that is 15. However, this should not have any impact on the effluent limitations for those facilities. The third question was: How many of the existing facilities discharge to impaired waters [303(d) list]? We have not had time to research that question. Furthermore it is doubtful that any of the pollutants regulated by this general permit are likely to show up on a 303(d) list. Please let me know if you really feel it necessary that we continue to try to research that last item. If so, we'd need several days to pull together that info.

Sincerely,
Catherine Hess

From: MichaelE Davis [<mailto:Davis.Michaele@epamail.epa.gov>]

Sent: Wednesday, October 03, 2012 10:10 AM

To: Patrick Kuefler; Kevin Pierard

Cc: Hess, Catherine; David Soong; GWINN, JOSEPH; Higginbotham, Paul; JORDAN, SHERI; Stephen Jann; John Colletti; Jodie Opie; Brian Bell

Subject: Re: Draft Indiana Gen Permit and Fact Sheet for Petroleum Products Terminals

Good morning everyone.

This is my 2nd/ email requesting a status update regarding input from both Catherine and Brian pertaining their part of this assignment. As of the time of this email, I have not received an email reply from Brian and Catherine. Please provide me a status update ASAP when I can expect your respective inputs to this assignment. Thank you.

Best regards,

Michael "DOC" E. Davis
Chemical, Mechanical and Energy Engineer
USEPA, Region 5, Chicago

Phone: 630-340-4351

Re: Draft Indiana Gen Permit and Fact Sheet for Petroleum Products Terminals [Link](#)

Patrick Kuefler

to: Hess, Catherine

09/14/2012 01:55 PM

Cc: David Soong, "GWINN, JOSEPH", "Higginbotham, Paul", "JORDAN, SHERI", Stephen Jann, MichaelE Davis

Catherine - Mike Davis has been assigned the review

Patrick F. Kuefler
Chief, Section I
NPDES Programs Branch
Phone 312/353-6268, FAX 312/408-2238

From: "Hess, Catherine" <CHESS@idem.IN.gov>
To: Stephen Jann/R5/USEPA/US@EPA, David Soong/R5/USEPA/US@EPA, Patrick Kuefler/R5/USEPA/US@EPA,
Cc: "Higginbotham, Paul" <PHIGGINB@idem.IN.gov>, "JORDAN, SHERI" <SJORDAN@idem.IN.gov>, "GWINN, JOSEPH" <JGWINN@idem.IN.gov>
Date: 09/14/2012 11:19 AM
Subject: Draft Indiana Gen Permit and Fact Sheet for Petroleum Products Terminals

Dear EPA Region 5 staff:

Attached are the draft documents for Indiana's draft general NPDES permit for Discharges from Petroleum Products Terminals. The permit and fact sheet are both in a searchable pdf format. Please feel free to contact me if you have any questions regarding these documents. We look forward to your comments.

Catherine Hess, Chief
Permits Administration Section
Office of Water Quality
Indiana Dept of Environmental Management

Email: chess@idem.IN.gov

Telephone: (317) 232-8704

[attachment "PetroProd FactSheet 09142012 vE.pdf" deleted by Patrick Kuefler/R5/USEPA/US]

[attachment "PetroProductsTermnl Gen Permit 09142012 E.pdf" deleted by Patrick Kuefler/R5/USEPA/US]

EPA-R5-2017-008149RR-57

Janet
Pellegrini/R5/USEPA/US
10/09/2012 02:25 PM

To George Azevedo
cc
bcc
Subject Fw: Jeffersonville IN

Just a heads up, my review has to utilize the old anti-deg rules, since my review is per the IN Withdrawal petition
its not a normal R5 NPDES permit review

From IDEM,
327 IAC 2-1-2 read as follows:

"327 IAC 2-1-2 Maintenance of surface water quality standards

Sec. 2. The following policies of nondegradation are applicable to all surface waters of the state:

1. For all waters of the state, existing beneficial uses shall be maintained and protected. No degradation of water quality shall be permitted which would interfere with or become injurious to existing and potential uses.

2. All waters whose existing quality exceeds the standards established herein as of February 17, 1977, shall be maintained in their present high quality unless and until it is affirmatively demonstrated to the commissioner that limited degradation of such waters is justifiable on the basis of necessary economic or social factors and will not interfere with or become injurious to any beneficial uses made of, or presently possible, in such waters. In making a final determination under this subdivision, the commissioner shall give appropriate consideration to public participation and intergovernmental coordination."

IDEM agreed that the project met that standard (327 IAC 2-1-2) in 2009.

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 10/09/2012 02:23 PM -----

From: Stephen Jann/R5/USEPA/US
To: Janet Pellegrini/R5/USEPA/US@EPA,
Date: 10/05/2012 03:37 PM
Subject: Re: Fw: RE: Jeffersonville IN

(b) (5)

Our present review will be against the antideg policy that existed at the time of the permit action .

Stephen M. Jann
Chief, Section 2

Janet Pellegrini Janet Pellegrini Environmental Scientist 10/05/2012 02:17:19 PM

From: Janet Pellegrini/R5/USEPA/US
To: Stephen Jann/R5/USEPA/US@EPA,
Date: 10/05/2012 02:17 PM

Subject: Fw: RE: Jeffersonville IN

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

-----Forwarded by Janet Pellegrini/R5/USEPA/US on 10/05/2012 02:17PM -----

To: "HOUSE, JASON" <JAHOUSE@idem.IN.gov>, Janet Pellegrini/R5/USEPA/US@EPA
From: "Higginbotham, Paul" <PHIGGINB@idem.IN.gov>
Date: 10/05/2012 12:56PM
Cc: "Dittmer, Jerry" <JDITTMER@idem.IN.gov>
Subject: RE: Jeffersonville IN

Thanks Jason.

Janet – I was just going to inquire about the context of your request for anti-deg related info. for this 2009 permitting action, especially since the environmental groups did not appeal the modification? In addition, I was wondering about how EPA would address this 2009 issue with the fact that we now have new and effective statewide anti-deg rules in-place and that have been approved by EPA as well?

Thanks.

From: HOUSE, JASON
Sent: Friday, October 05, 2012 12:24 PM
To: Janet Pellegrini
Cc: Higginbotham, Paul; Dittmer, Jerry
Subject: RE: Jeffersonville IN

Hi Janet:

The "antidegradation" submittal from Jeffersonville is found as an attachment to the document you had attached to your original email (starting on page 20 of the PDF). The submittal was from Jeffersonville's consultant BLA. Please be aware that in 2009 Indiana's only antidegradation standard for the downstate area (all but the Great Lakes Initiative area) was the standard found at 327 IAC 2-1-2. As you are aware Indiana now has a new statewide standard that was just

approved by EPA. The project was reviewed with consideration of 327 IAC 2-1-2.

327 IAC 2-1-2 read as follows:

"327 IAC 2-1-2 Maintenance of surface water quality standards

Sec. 2. The following policies of nondegradation are applicable to all surface waters of the state:

1. For all waters of the state, existing beneficial uses shall be maintained and protected. No degradation of water quality shall be permitted which would interfere with or become injurious to existing and potential uses.

2. All waters whose existing quality exceeds the standards established herein as of February 17, 1977, shall be maintained in their present high quality unless and until it is affirmatively demonstrated to the commissioner that limited degradation of such waters is justifiable on the basis of necessary economic or social factors and will not interfere with or become injurious to any beneficial uses made of, or presently possible, in such waters. In making a final determination under this subdivision, the commissioner shall give appropriate consideration to public participation and intergovernmental coordination."

IDEM agreed that the project met that standard (327 IAC 2-1-2) in 2009.

I believe Paul Higginbotham will be following up with you on this topic as well.

Best,

Jason House

Indiana Department of Environmental Management

Office of Water Quality - Municipal NPDES Permits

100 N. Senate Avenue, Mail Code 65-42

Indianapolis, IN 46204

Phone: 317/233-0470 - Fax: 317/232-8637

Toll Free: 1-800/451-6027

<http://www.in.gov/idem/index.htm>

From: Janet Pellegrini [<mailto:Pellegrini.Janet@epamail.epa.gov>]

Sent: Thursday, October 04, 2012 3:46 PM

To: HOUSE, JASON
Cc: Stephen Jann
Subject: Jeffersonville IN

Jason,

I am working on follow up to a withdrawal petition for the Indiana NPDES program.

One of the items I seek, is the detailed anti degradation analysis for this permit modification (attached) the March 13, 2009 Jeffersonville IN permit IN002302. Any supportive documentation or analysis related to pages 3-4 of Fact Sheet.

thanks much,
Janet

(See attached file: Jeffersonville.pdf)

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

EPA-R5-2017-008149RR-58

John Bajor/R5/USEPA/US

10/16/2012 03:48 PM

To Janet Pellegrini, Robert Pepin

cc Ryan Bahr

bcc

Subject Peabody Mines EPA Sampling Results Matrix for Seven Outfalls as Sampled.

Janet:

Please find the subject sampling results matrix for samples taken with Mark Maloney on the Sommerville Central Coal Mine.



EPA Sampling Results Matrix.pdf

I've highlighted the aberrant results merely based on other sample results in the matrix .

They fall under a general permit and IDNR-DOR provides oversight over the operations .

I am trying to determine violations , if any.

I have an inspection report that I am editing right now but will be ready when we can meet .

I will set up a meeting with you and Rob for later this week (Thursday, if possible) this afternoon.

Thanks.

Regards,

John J. "Jack" Bajor, Jr.
Environmental Engineer / Enforcement Officer
Water Division
Enforcement & Compliance Assurance Branch
USEPA, Region 5
WC -15J; #15046
77 West Jackson Blvd.
Chicago, IL, 60604-3590
phone: 312-353-4633
FAX: 312-886-6090
eMail: bajor.john@epa.gov

EPA-R5-2017-008149RR-59

**Janet
Pellegrini/R5/USEPA/US**
10/18/2012 04:45 PM

To: George Azevedo
cc
bcc
Subject: Fw: - Jeffersonville IN & Ohio River & P

George,
Donna found that both IN and KY have not listed Ohio River as impaired for algae.
From Steve's email, that seems to indicate I can move forward with an anti-degradation analysis.
I am not sure how to proceed regarding the info that there are algae blooms and also PDWS intakes downstream of the Jeffersonville discharge.

I am not in the office tomorrow, so we can pick up this conversation on Monday or at your convenience asap.

thanks much,
Janet

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 10/18/2012 04:42 PM -----

From: Donna Keclik/R5/USEPA/US
To: Janet Pellegrini/R5/USEPA/US@EPA,
Cc: Stephen Jann/R5/USEPA/US@EPA
Date: 10/18/2012 12:03 PM
Subject: Re: Fw: Actions in response to IN petition protocol - Jeffersonville IN

Janet,

Sorry it took a little longer then I thought to pull the information into a useable format for you , but here is a list of waters for the Ohio River listed by IN and KY . For KY attached is the 2010 final list the 2012 is not approved. IN I used the 2008 list since we are still working on the 2010. We have issues with the 2010 but not related to nutrient of Algae listings. It has to do with metals.. For KY I looked at the 2010 list since that is the most recent approved. Let me know if you need anything else. For the most part it looks like both only listed for Fish Consumption and E. coli specifically for the Ohio River .

With regards to listing any water in the state for algae Yes IN does have listings for this , KY does not. However KY does discuss Algae in their Integrated Repot (IR). I have attached the website for KY Integrated Report if you need more information. IN does not have the 2008 IR on their website. If you want a copy let me know and I will send you it.



Ohio River pulls Janest.xlsx

<http://water.ky.gov/waterquality/303d%20Lists/2010%20IR%20Volume%202-%20Final.pdf>

Donna Keclik
U.S. EPA Region 5 (WW-16J)
77 W Jackson Blvd.
Chicago, Illinois 60604
312-886-6766 phone
312-692-2999 Fax

Janet Pellegrini	Donna, I stopped by to see if its really y...	10/09/2012 02:23:05 PM
------------------	---	------------------------

From: Janet Pellegrini/R5/USEPA/US
To: Donna Keclik/R5/USEPA/US@EPA,
Date: 10/09/2012 02:23 PM
Subject: Fw: Actions in response to IN petition protocol - Jeffersonville IN

Donna,
I stopped by to see if its really you or if its someone else in your branch I should be asking below question re Ohio River impairments.

Janet Pellegrini

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 10/09/2012 02:21 PM -----

From: Stephen Jann/R5/USEPA/US
To: Janet Pellegrini/R5/USEPA/US@EPA,
Date: 10/05/2012 03:43 PM
Subject: Re: Actions in response to IN petition protocol - Jeffersonville IN

If IN or KY has declared the OH River impaired due to algae blooms, then antideg will not apply. (Note that some waters may not be labeled as impaired even though they experience algae blooms.) Check with Donna in terms of whether IN or KY have listed the river as impaired under either 303(d) or 305(b). If impaired, then another problem exists -- permit needs limits based on WLA = WQC, even if limits not needed under cited state rules.

Stephen M. Jann
Chief, Section 2
NPDES Programs Branch (WN-16J)
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77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446
jann.stephen@epa.gov

Janet Pellegrini	Steve, I wanted to run Jeffersonville, IN...	10/04/2012 02:12:20 PM
Stephen Jann	Yes, please ask for the McCordsville p...	09/28/2012 02:08:59 PM

EPA-R5-2017-008149RR-60

Tinka Hyde/R5/USEPA/US
Sent by: Norma Ignasiak

10/25/2012 01:34 PM

To Andrew Tschampa, Anthony Carrollo, David Pfeifer, David Werbach, Dean Maraldo, Debbie Baltazar, Jennifer Beese, Kevin Pierard, Kristen Faulhaber, Linda Holst, Lisa Perenchio, Matthew Gluckman, Nicholas Damato, Patrick Kuefler, Peter Swenson, Rebecca Harvey, Rita Bair, Ryan Bahr, Stephen Jann, Steve Marquardt, Thomas Davenport, Thomas Poy, Timothy Henry, Wendy Melgin

cc

bcc

Subject Rescheduled: Conference Call w/Bruno Pigott, IDEM [312/233-2550] re: TMDLs, permit backlogs, etc. (Nov 7 02:00 PM CST in Tinka's office)

AGENDA ITEMS ARE DUE TO NORMA BY FRIDAY, NOVEMBER 2. ATTACHED IS THE AGENDA FROM THE LAST CALL PLEASE UPDATE.



IDEM agenda 06142012.doc

EPA-R5-2017-008149RR-61

**Janet
Pellegrini /R5/USEPA/US**
11/06/2012 04:23 PM

To ntagliar
cc Bob Newport
bcc Patrick Kuefler
Subject Indiana coal mine sector

Nick,

I got your request through Bob Newport a fellow staff member in NPDES.

I reviewed the entire Busseron Creek watershed in SW Indiana and created the attached table of permits about 2-3 years ago,

so some of the information may be dated.

I understand you are interested in individual NPDES coal mine permits, and in this watershed I only found one, there may be more within the state.

It is Sunrise Coal, IN0062791.

I would also like to convey that the NPDES coal mine program in IN is for the most part run under a general permit, currently under Rule 7.



Permittable.doc



327IAC15 Rule7.pdf

I have the old permit for Sunrise on a disc, can send that tomorrow, or you can look it up on IDEM's virtual file cabinet, to see if its online there.

I will also follow up regarding Bear Run, the site which is a major project of mine here at NPDES. EPA issued 2 CWA 308 requests for data and we are in the process of receiving data from Peabody from that site.

If you could let me know any specifics, that would help me to assist you.

thanks,

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

EPA-R5-2017-008149RR-62

**Janet
Pellegrini/R5/USEPA/US**

11/27/2012 10:24 AM

To Evelyn MacKnight

cc

bcc

Subject IDEM and General permit program changes

Evelyn,

Regarding your indication that Delaware is currently implementing their general permits through rule making, I am sending

one of the documents submitted by Indiana (IDEM) in response to our Legal Authority Review and the enviros petition to withdraw their NPDES program.

I am also attaching our LAR letter to IDEM.

I do not have a pdf of the March 9, 2010 letter, referenced in the body of this LAR letter, within which we conveyed the need to move the program from rule to administratively issued, but I will find a hard copy and scan & send your way.



FinalINLARjune6-2011.PDF

thanks,

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 11/27/2012 10:15 AM -----

----- Forwarded by Stephen Jann/R5/USEPA/US on 11/27/2012 09:08 AM -----

From: "PIGOTT, BRUNO" <BPIGOTT@idem.IN.gov>
To: Tinka Hyde/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA, Timothy Henry/R5/USEPA/US@EPA,
Cc: Stephen Jann/R5/USEPA/US@EPA, "CLARK METTLER, MARTHA" <MCLARK@idem.IN.gov>
Date: 03/14/2012 11:59 AM
Subject: General Permits Schedule

Tinka,

You're probably back from your trip by now and wondering whether or not you missed the email that contained the schedule Indiana put together for issuing General Permits. Well, you did indeed miss it as it was not delivered until today. Attached please find the schedule. As indicated at the beginning of the document, the timeframes associated with the actual issuance of the General Permits are dependent on changes to the General Permit rule. IDEM will, however, work on preparing a General Permit for each general permit category concurrent with our work to modify our General Permit rule. Should you have any questions or need further information, please don't hesitate to contact me at 317-233-2550.



Bruno general Permit Project Schedule BP 31412.docx

EPA-R5-2017-008149RR-63

Janet
Pellegrini/R5/USEPA/US
11/28/2012 11:34 AM

To: Exemption 6
cc
bcc
Subject: Re: Indiana coal mine sector- Sunrise Coal

Exemption 6,

An individual permit would give the permitting authority the ability to set limits on parameters not present in the general permit.

The gp only limits pH, TSS, iron and monitor flow.

An IP has stronger ability to protect WQS, through implementing the narrative standard by placing numeric limits on pollutants.

We can use a reasonable potential analysis to establish that a permittee has the potential to cause or contribute to WQS violations.

I will scan that letter and email to you today, but I'm sure it will trigger more questions.

Exemption 6

Ms. Pellegrini, I hope your Thanks...

11/28/2012 11:14:57 AM

From: Exemption 6 <Exemption 6>
To: Janet Pellegrini/R5/USEPA/US@EPA,
Date: 11/28/2012 11:14 AM
Subject: Re: Indiana coal mine sector- Sunrise Coal

Ms. Pellegrini,

I hope your Thanksgiving was excellent. I was wondering if you had a chance to scan the letter DNR sent in you in response to your letter stating that the water bodies surrounding Bear Run Mine had sulfate levels sufficient to warrant an individual permit. I have to turn in my paper within the next week. Thank you very much. Also, if you happen to have a document summing up what was found with regards to the pollutants in the water bodies located close to Bear Run Mine.

I just have one general question. I am still trying to understand exactly what the benefit of an individual permit is compared to a general permit. I see in the Sunrise Coal permit that Sunrise Coal had to fill out monthly status reports and the EPA form 3510-2C (8-90). Do all mines that are required to operate under an individual permit have to fill out these forms or can IDEM require them to fill out other forms or no forms at all?

Thank you again for all your help thus far.

Sincerely,

Exemption 6

On Wed, Nov 7, 2012 at 11:48 AM, <Pellegrini.Janet@epamail.epa.gov> wrote:

Mr. T **Exemption 6**,

Attached is the permit for Sunrise Coal and a collection of DMRs for the permitted site.

(See attached file: IN0062791 DMRs 2009.pdf)(See attached file: IN0062791 NPDES 2007 renewal.pdf)(See attached file: IN0062791 DMRs 2007 Jun - Dec.pdf.pdf)(See attached file: IN0062791 DMRs 2008.pdf.pdf)

Janet Pellegrini
Environmental Scientist
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fax: [\(312\) 692-2436](tel:(312)692-2436)

▼ **Exemption 6** ---11/06/2012 05:58:15 PM---Ms. Pellegrini, Thank you so much for your help. If you could let me know specifically what

From: **Exemption 6** **Exemption 6** >
To: Janet Pellegrini/R5/USEPA/US@EPA,
Date: 11/06/2012 05:58 PM
Subject: Re: Indiana coal mine sector

Ms. Pellegrini,

Thank you so much for your help. If you could let me know specifically what information was requested in the 308 CWA request, it would be much appreciated. Also, I will definitely look for a copy of the Sunrise Coal individual permit, and, if you could send the copy you have tomorrow, it would also be much appreciated. I need to update my professor on my research progress on Thursday.

I am also curious as to how much more expensive for a large coal mine like Bear Run to operate under an individual permit as opposed to its current NPDES general permit, and what types of pollutants an individual permits would require Bear Run to monitor. From my research, I've gathered that Bear Run is opposed to operating under an individual permits due to the increased cost such a permit would impose.

Thank you again and have a great week.

Sincerely,

Exemption 6

On Tue, Nov 6, 2012 at 5:23 PM, <Pellegrini.Janet@epamail.epa.gov> wrote:

Exemption 6,

I got your request through Bob Newport a fellow staff member in NPDES .
I reviewed the entire Busseron Creek watershed in SW Indiana and created the attached table of permits about 2-3 years ago,
so some of the information may be dated .
I understand you are interested in individual NPDES coal mine permits , and in this watershed I only found one , there may be more within the state .
It is Sunrise Coal, IN0062791.

I would also like to convey that the NPDES coal mine program in IN is for the most part run under a general permit, currently under Rule 7.

(See attached file: Permittable.doc) (See attached file: 327IAC15 Rule7.pdf)

I have the old permit for Sunrise on a disc , can send that tomorrow, or you can look it up on IDEM's virtual file cabinet, to see if its online there.

I will also follow up regarding Bear Run , the site which is a major project of mine here at NPDES. EPA issued 2 CWA 308 requests for data and we are in the process of receiving data from Peabody from that site .
If you could let me know any specifics , that would help me to assist you .

thanks,

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: [\(312\) 886-4298](tel:(312)886-4298)
fax: [\(312\) 692-2436](tel:(312)692-2436)

EPA-R5-2017-008149RR-64

Stephen Jann /R5/USEPA/US

12/18/2012 11:06 AM

To Kevin Pierard

cc

bcc

Subject Fw: Review requested: Peabody-Bear Run Sampling Results

I assigned the review to Rob. On advice from Janet I provided 60 days for Rob to complete the review. Is 60 days ok in you view?

Stephen M. Jann
Chief, Section 2
NPDES Programs Branch (WN-16J)
EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446
jann.stephen@epa.gov

----- Forwarded by Stephen Jann/R5/USEPA/US on 12/18/2012 11:05 AM -----

From: Stephen Jann/R5/USEPA/US
To: Robert Pepin/R5/USEPA/US@EPA,
Cc: Patrick Kuefler/R5/USEPA/US@EPA, Janet Pellegrini/R5/USEPA/US@EPA
Date: 12/12/2012 12:41 PM
Subject: Review requested: Peabody-Bear Run Sampling Results

Hi Rob. Peabody Coal has provided the results of their study of Bear Run. I would like you to take the lead in reviewing the results, coordinating with Janet. The standard of review should be the IN water quality standards, including designated uses and numeric and narrative criteria. The fundamental question before us and IN is whether discharges from the Bear Run mine can be covered by Indiana's NPDES general permit or should be covered by an individual permit. Please let me know if 60 days is an adequate period to complete the review. Janet advises that she has some results that the company submitted prior to their most recent submittal. She will forward to you. Thanks. Steve.

Stephen M. Jann
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77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446
jann.stephen@epa.gov

----- Forwarded by Stephen Jann/R5/USEPA/US on 12/12/2012 12:30 PM -----

From: Janet Pellegrini/R5/USEPA/US
To: Stephen Jann/R5/USEPA/US@EPA,
Cc: Patrick Kuefler/R5/USEPA/US@EPA
Date: 12/12/2012 10:02 AM
Subject: Fw: Bear Run Effluent Sampling Plan

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 12/11/2012 05:28 PM -----

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>
To: Janet Pellegrini/R5/USEPA/US@EPA,
Cc: "Olyphant, Jeffrey" <JOlyphant@peabodyenergy.com>
Date: 11/16/2012 04:51 PM
Subject: RE: Bear Run Effluent Sampling Plan

Janet, attached is the October Effluent Sampling Data Report. The original is being sent to you via UPS.

Please let me know if you have any questions.

Thanks ... Scott

[attachment "20121116140225173.pdf" deleted by Stephen Jann/R5/USEPA/US]

Peabody Energy
7100 Eagle Crest Blvd
Evansville, IN 47715
812-434-8593

EPA-R5-2017-008149RR-65

Kevin Pierard /R5/USEPA/US

12/18/2012 12:20 PM

To Stephen Jann

cc

bcc

Subject Re: Fw: Review requested: Peabody-Bear Run Sampling Results

yes it is. Krista had gotten Oxford results before she left. Not sure she had done anything with these. She seemed focused on the fact that the results did not document a WQ violation. However the results seemed very clear that there were significant detrimental impacts associated with the mining when a comparison was made between up and down stream. I did not spend a lot of time reviewing these but I did discuss with both Krista and Janet.

Stephen Jann

I assigned the review to Rob. On advic...

12/18/2012 11:06:44 AM

From: Stephen Jann/R5/USEPA/US
To: Kevin Pierard/R5/USEPA/US@EPA
Date: 12/18/2012 11:06 AM
Subject: Fw: Review requested: Peabody-Bear Run Sampling Results

I assigned the review to Rob. On advice from Janet I provided 60 days for Rob to complete the review. Is 60 days ok in you view?

Stephen M. Jann
Chief, Section 2
NPDES Programs Branch (WN-16J)
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77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446
jann.stephen@epa.gov

----- Forwarded by Stephen Jann/R5/USEPA/US on 12/18/2012 11:05 AM -----

From: Stephen Jann/R5/USEPA/US
To: Robert Pepin/R5/USEPA/US@EPA,
Cc: Patrick Kuefler/R5/USEPA/US@EPA, Janet Pellegrini/R5/USEPA/US@EPA
Date: 12/12/2012 12:41 PM
Subject: Review requested: Peabody-Bear Run Sampling Results

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Stephen M. Jann
Chief, Section 2
NPDES Programs Branch (WN-16J)
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77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446

jann.stephen@epa.gov

----- Forwarded by Stephen Jann/R5/USEPA/US on 12/12/2012 12:30 PM -----

From: Janet Pellegrini/R5/USEPA/US
To: Stephen Jann/R5/USEPA/US@EPA,
Cc: Patrick Kuefler/R5/USEPA/US@EPA
Date: 12/12/2012 10:02 AM
Subject: Fw: Bear Run Effluent Sampling Plan

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 12/11/2012 05:28 PM -----

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>
To: Janet Pellegrini/R5/USEPA/US@EPA,
Cc: "Olyphant, Jeffrey" <JOlyphant@peabodyenergy.com>
Date: 11/16/2012 04:51 PM
Subject: RE: Bear Run Effluent Sampling Plan

Janet, attached is the October Effluent Sampling Data Report. The original is being sent to you via UPS.

Please let me know if you have any questions.

Thanks ... Scott

[attachment "20121116140225173.pdf" deleted by Stephen Jann/R5/USEPA/US]

Peabody Energy
7100 Eagle Crest Blvd
Evansville, IN 47715
812-434-8593

EPA-R5-2017-008149RR-66

Linda Holst/R5/USEPA/US

01/16/2013 10:14 AM

To pierard.kevin, Stephen Jann, Patrick Kuefler

cc

bcc

Subject Fw: Rule Moratorium Executive Order

I'm assuming this means permitting rules too.

----- Forwarded by Linda Holst/R5/USEPA/US on 01/16/2013 10:13 AM -----

From: David Werbach/R5/USEPA/US
To: Matthew Gluckman/R5/USEPA/US@EPA, Peter Swenson@EPA,
Cc: Linda Holst/R5/USEPA/US@EPA
Date: 01/16/2013 09:09 AM
Subject: Fw: Rule Moratorium Executive Order

Matt/Peter:

Not sure if you heard about this, but it appears Indiana has issued a "Rules Moratorium". No new rules unless approved by the Indiana OMB. I checked with Staci, and she said there are no TMDL/listing rules in development, but that this would impact any criteria development.

The reasons are basically the "crushing regulatory burden" and "job creation".

Dave

----- Forwarded by David Werbach/R5/USEPA/US on 01/16/2013 09:04 AM -----

From: "GOODWIN, STACI" <SGOODWIN@idem.IN.gov>
To: David Werbach/R5/USEPA/US@EPA,
Date: 01/15/2013 02:05 PM
Subject: FW: Rule Moratorium Executive Order

Fyi.

From: Renshaw, Marylou

Sent: Tuesday, January 15, 2013 1:21 PM

To: ARMSTRONG, JOEL; ARNOLD, DAVID; ARNOLD, KRISTEN; ARTHUR, JODY; BECKMAN, TIMOTHY; BELL, CHUCK; Boswell, Steve; BOWREN, TIMOTHY; BRIDGES, LEE; BROSMER, JOSHUA; Brown, Angela (IDEM); CAMPBELL, DOUG; Casey, Adam; COOPER, SHELLY; CRANE, KEVIN; Crane, Laura; DAVIS, TODD; ELIFRITZ, BONNY; Fields, Timothy; Fischer, Cory; Gaston, Kevin; GOODWIN, STACI; HAGAN, KATHLEEN; JORDAN, DAVID; KEHOE, KRIS; MARTIN, CINDY; MCMURRAY, PAUL; McShane, Myra; Meils, Ali; PRAST, JOHN; RATCLIFF, BETTY; Reeve, Thomas; Renshaw, Marylou; Richard, Jordan; Schmees, Joseph; SELVARATNAM, SHIVI; SOBAT, STACEY; STAHL, JIM; Sutton, Sarah; WAGNER, CYNDI; Werbianskyj, Kayla; Whitesell, Leanne; WOOD, JOANNA

Subject: FW: Rule Moratorium Executive Order

FYI

Lou

Marylou Poppa Renshaw, Chief
Watershed Assessment and Planning Branch
Office of Water Quality
Indiana Department of Environmental Management
317-308-3235
Toll Free: 800-451-6027
Fax: 317-308-3219
mrenshaw@idem.in.gov

From: CLARK METTLER, MARTHA
Sent: Tuesday, January 15, 2013 10:51 AM
To: Renshaw, Marylou; CARROLL, PAT; Higginbotham, Paul; STANIFER, MARK; HOLLINGSWORTH, MARY
Cc: PIGOTT, BRUNO
Subject: FW: Rule Moratorium Executive Order

FYI – the EC on the rules moratorium, the EO with the most impact on us – we will have to work with Rules to provide info as needed – the Angola Variance is first up.

Martha Clark Mettler
Deputy Assistant Commissioner
Office of Water Quality
Indiana Department of Environmental Management
100 North Senate Avenue
MC 65-40 IGCN 1255
Indianapolis, IN 46204-2251
317-232-8402

From: EASTERLY, THOMAS
Sent: Monday, January 14, 2013 5:35 PM
To: Abernathy, Kent; McMinn, Beth; KING, NANCY; PIGOTT, BRUNO; CLARK METTLER, MARTHA; Palin, Bruce; Dorsey, Peggy; Baugues, Keith; LETTERMAN, ROGER; Bossingham, Rick
Cc: Parker, Niles; Baughn, Brad; Howell, Steven N.; KOONTZ, CAROLYN
Subject: Rule Moratorium Executive Order

I have attached the EO. We will need to evaluate each rulemaking in process and decide whether it meets the exemptions. In either case I need to know what category each pending rule action fits into and the impacts of not proceeding.

Tom[attachment "Executive Order 13-03.pdf" deleted by Linda Holst/R5/USEPA/US]

EPA-R5-2017-008149RR-67

Stephen Jann /R5/USEPA/US

01/16/2013 02:31 PM

To Kevin Pierard

cc Patrick Kuefler

bcc

Subject Re: Fw: Rule Moratorium Executive Order

May affect the timing for issuance of the GPs to the extent that IN cannot/will not issue the GPs until after the rule changes are final. In the world of State rulemaking, adding a step whereby an OMB (i.e., Governor's office) needs to approve is not too big a deal.

Stephen M. Jann
Chief, Section 2
NPDES Programs Branch (WN-16J)
EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446
jann.stephen@epa.gov

Kevin Pierard

Would this impact the new GPs? From:...

01/16/2013 11:17:54 AM

From: Kevin Pierard/R5/USEPA/US
To: Stephen Jann/R5/USEPA/US@EPA,
Cc: Patrick Kuefler/R5/USEPA/US@EPA
Date: 01/16/2013 11:17 AM
Subject: Re: Fw: Rule Moratorium Executive Order

Would this impact the new GPs?

Linda Holst

I'm assuming this means permitting rul...

01/16/2013 10:14:11 AM

EPA-R5-2017-008149RR-68

Stephen Jann /R5/USEPA/US

01/18/2013 09:37 AM

To Kevin Pierard, Patrick Kuefler

cc

bcc

Subject Fw: Review requested: Peabody-Bear Run Sampling Results

I say yes, we can ask Peabody to clarify info provided in their response to the 308. Could start with a phone call or meeting, staff or management. Before reaching out to them, I'd ask Rob to identify all questions about their response. Thoughts?

Stephen M. Jann
Chief, Section 2
NPDES Programs Branch (WN-16J)
EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446
jann.stephen@epa.gov

----- Forwarded by Stephen Jann/R5/USEPA/US on 01/18/2013 09:35 AM -----

From: Robert Pepin/R5/USEPA/US
To: Stephen Jann/R5/USEPA/US@EPA,
Cc: Janet Pellegrini/R5/USEPA/US@EPA, Patrick Kuefler/R5/USEPA/US@EPA
Date: 01/18/2013 09:11 AM
Subject: Re: Review requested: Peabody-Bear Run Sampling Results

Looking over the data Bear Run did a bad job of linking the data to sampling sites unless I missed something. Can we ask Bear Run what data goes with what site? For instance, three pages after the precipitation data numerous analyte concentrations were reported but the heading only identifies the sample number and the date collected (October 2). But, according to the November 14 cover letter two stations were sampled on that date. Which of these stations do these data represent? I cannot identify any cross-walk in the report. This may also be true for other results the company submitted.

Rob Pepin, Aquatic Biologist
NPDES Programs Branch, Water Division
U.S. EPA, Region 5, WN-16J

77 West Jackson Blvd
Chicago IL 60604

ph: (312) 886-1505
fx: (312) 629-2079
em: Pepin.Robert@EPA.GOV

-----Stephen Jann/R5/USEPA/US wrote: -----

To: Robert Pepin/R5/USEPA/US@EPA
From: Stephen Jann/R5/USEPA/US
Date: 12/12/2012 12:41PM
Cc: Patrick Kuefler/R5/USEPA/US@EPA, Janet Pellegrini/R5/USEPA/US@EPA
Subject: Review requested: Peabody-Bear Run Sampling Results

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Stephen M. Jann
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----- Forwarded by Stephen Jann/R5/USEPA/US on 12/12/2012 12:30 PM -----

From: Janet Pellegrini/R5/USEPA/US
To: Stephen Jann/R5/USEPA/US@EPA,
Cc: Patrick Kuefler/R5/USEPA/US@EPA
Date: 12/12/2012 10:02 AM
Subject: Fw: Bear Run Effluent Sampling Plan

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 12/11/2012 05:28 PM -----

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>
To: Janet Pellegrini/R5/USEPA/US@EPA,
Cc: "Olyphant, Jeffrey" <JOlyphant@peabodyenergy.com>
Date: 11/16/2012 04:51 PM
Subject: RE: Bear Run Effluent Sampling Plan

Janet, attached is the October Effluent Sampling Data Report. The original is being sent to you via UPS.

Please let me know if you have any questions.

Thanks ... Scott

(See attached file: 20121116140225173.pdf)

Peabody Energy
7100 Eagle Crest Blvd
Evansville, IN 47715
812-434-8593

[attachment "20121116140225173.pdf" removed by Robert Pepin/R5/USEPA/US]

EPA-R5-2017-008149RR-69

Kevin Pierard /R5/USEPA/US

01/30/2013 03:35 PM

To Dean Maraldo

cc Janet Pellegrini

bcc

Subject Fw: Citizen serious complaint - please advise what to do next: original email title is; City, County, State Cover-up of EPA Violations

Dean - sounds like this lady already tried IDEM and was not satisfied . Could one of your folks check on this?

----- Forwarded by Kevin Pierard/R5/USEPA/US on 01/30/2013 03:34 PM -----

From: Thomas Poy/R5/USEPA/US
To: Mostafa Noureldin/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA
Cc: Heather Shoven/R5/USEPA/US@EPA, Miguel Deltoral/R5/USEPA/US@EPA, Nicholas Damato/R5/USEPA/US@EPA, porter.andrea@epa.gov, Rita Bair/R5/USEPA/US@EPA, William Spaulding/R5/USEPA/US@EPA
Date: 01/30/2013 03:26 PM
Subject: Re: Citizen serious complaint - please advise what to do next: original email title is; City, County, State Cover-up of EPA Violations

Mostafa: This sounds like a stormwater issue - the city/county running stormwater onto this person's property. The lead levels in the attachment are not zero but at 7 ug/L, it's still below the action level for PWSs.

Kevin: Can you please have someone look into this?

Thanks.

Tom

Tom Poy
Chief, Ground Water and Drinking Water Branch
USEPA - Region 5
(312) 886-5991

Mostafa Noureldin

Hi All - I had received a phone call y...

01/30/2013 02:57:34 PM

From: Mostafa Noureldin/R5/USEPA/US
To: Rita Bair/R5/USEPA/US@EPA,
Cc: Nicholas Damato/R5/USEPA/US@EPA, Thomas Poy/R5/USEPA/US@EPA, porter.andrea@epa.gov, Heather Shoven/R5/USEPA/US@EPA, Miguel Deltoral/R5/USEPA/US@EPA, William Spaulding/R5/USEPA/US@EPA
Date: 01/30/2013 02:57 PM
Subject: Citizen serious complaint - please advise what to do next: original email title is; City, County, State Cover-up of EPA Violations

Hi All - I had received a phone call yesterday from this this citizen lady named below as Patsy Penn - followed by the email she wrote below. Please advise who may be able to follow properly on this or what do next....

Thanks

Much respect,
Mostafa M. Noureldin

Environmental Engineer, M.Sc
Ground Water & Drinking Water Branch
U.S. EPA, Region 5 (WG-15J)
77 W. Jackson Blvd.
Chicago, IL 60604
Tel#: (312)-353-4735
Fax#:(312)-697-2655

----- Forwarded by Mostafa Noureldin/R5/USEPA/US on 01/30/2013 02:48 PM -----

From: Exemption 6 Exemption 6
To: Mostafa Noureldin/R5/USEPA/US@EPA,
Date: 01/30/2013 12:16 PM
Subject: City, County, State Cover-up of EPA Violations

Dear Sir:

My name is Exemption 6 Exemption 6
number Exemption 6 we own property Exemption 6 Clinton
Indiana (Exemption 6 IN)
which property city of Clinton and Vermillion County Indiana have secretly
sabotaged and have in use as a catch basin in their design for control of runoff .

I need your help. Since the purchase of this property in 1996 we knew the
County assessor was intentionally inflating our property values but didn't know why.
After several years and repeated findings of sink holes, of thick orangy oily
looking water coming out of the woods, of sick and dead animals etc we
subsequently found that the city and county was deliberately trenching and
underground piping their run off water into our property. In September 2011, I
had our property environmental tested and found our property was contaminated
with toxic levels of lead,copper etc in the property's "natural spring" water system
as well as in the soil levels. See attachment.

I contacted the IDEM in Indianapolis, IN. Douglas R. Wolfe and Jason (can't
remember last name) who came and
viewed the situation. They stated the city/county had followed their (IDEM's)
design in the collection of the run-off water and that they could not decipher
where property line lay between the city/county and the Penn's property but that
it did appear the city/county could be found negligent in their collection for
city/county failed to protect Penns property. They stated the design was for run
off of rain water and not from run off through hazardous materials but stated the
only thing that could have happened was if something had broke through in the
old coal mines south west of Penns property which could be reason for hazardous
contamination, but inferred they had no means of detection and no way to prove
sick and dead animals was caused from hazardous contamination of water and
soil. They stated our property sat directly on the faultline, left the premises and
made no attempt to cite the city/county for negligence nor for violations of the
clean water act, for violations of the clean air act etc.nor did IDEM Order them to

Cease and Desist. The City/County has continued to dump their run-off onto us, County assessor continues to grossly inflate property value and are attempting to give property to Clinton City. Clinton city and Vermillion county have yet to make any attempt to alter their collection methods.

Approximately 6 months after contact to IDEM, I contacted the Federal EPA complaint . My complaint was supposedly given to the Midwest region and I have heard nothing since. State, FBI etc state this complaint under jurisdiction of EPA.

Exemption 6

and can find no help. Please contact me at the above stated telephone number.



Respectfully,
Exemption 6



environmental.jpg



environmental.jpg

EPA-R5-2017-008149RR-70

**Janet
Pellegrini/R5/USEPA/US**

05/23/2013 02:14 PM

To Janet Pellegrini

cc

bcc

Subject

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 05/23/2013 02:14 PM -----

From: Kasey Barton/R5/USEPA/US
To: Janet Pellegrini/R5/USEPA/US@EPA,
Date: 08/16/2012 11:59 AM
Subject: Re: Bear Run Effluent Sampling so far & proposed extension/ adjustment

Hi Janet,

It is very unfortunate that there hasn't been much rainfall. But we need to be careful in considering whether to ask Peabody to amend our agreed upon plan. Peabody has only been sampling for one and a half months under the plan, and plans to continue sampling for an additional two and half months. I think a better approach is to wait until the middle or end of September and see how much rainfall has occurred, as well as what the forecast looks like for October. If it there are still drought conditions present at that time and forecasted for October, then I think it's reasonable for us to approach Peabody and request that the sampling period be extended. I'm not clear on how asking them to sample additional times during the month is helpful if there is no rain, and I don't believe it's the best approach if we want them to continue sampling.

I'm happy to meet with you to discuss these issues further if you would like. My calendar is pretty up to date. If your management plans on attending, please add Randa to the meeting invite.

Thanks,

Kasey Barton
Assistant Regional Counsel
US EPA Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
Phone: (312) 886-7163

Janet Pellegrini

Kasey, Pat and I discussed this year's...

08/15/2012 01:11:52 PM

From: Janet Pellegrini/R5/USEPA/US
To: Kasey Barton/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA,
Cc: Patrick Kuefler/R5/USEPA/US@EPA
Date: 08/15/2012 01:11 PM
Subject: Fw: Bear Run Effluent Sampling so far & Proposed extension/ adjustment

Kasey,

Pat and I discussed this year's drought condition and its impact on the ability to collect a valid suite of samples in Bear Run. (see attached Peabody status report)

I ran this situation and possible solutions by Kevin and he agreed that we should email Peabody / or have

you contact their attorney if thats preferable and direct them to alter their sampling .
We need a practical solution to this unusual weather year .

There are a couple of ways we may like to adjust the plan to ensure the gathering of meaningful data ;
1. Extension of end date for submittal of sample report (from November to December or beyond?)
2. Request that Peabody sample more times within a month, at a time when the rainfall has been sufficient enough to begin to cause wet weather discharges.

I just spoke with Kevin today and we have not had time to fully flush out an exact request , but the bottom line is our original request of 2 samples per each outfall each month, one base flow (dry) and one wet weather(precipitation). We could use that end number and narrative to ask for adjustments to get enough data for a more comprehensive assessment.

Otherwise the only four months they were to sample (July, Aug, Sept & Oct) may pass without sufficient sampling occurring.

Perhaps we can discuss approach and details at your earliest convenience .

thanks
Janet

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 08/15/2012 12:55 PM -----

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>
To: Janet Pellegrini/R5/USEPA/US@EPA,
Date: 08/06/2012 11:32 AM
Subject: Bear Run Effluent Sampling Plan

Janet, regarding your questions below:

1. The following precipitation events were recorded in July by a rain gage located at the Bear Run mine office:

<u>Date</u>	<u>Amount</u>
July 1	0.19"
July 2	0.01"
July 7	1.17"
July 8	0.73"
July 14	0.14"
July 19	0.15"
July 25	0.10"
July 26	0.01"

2. There were no precipitation events recorded in July which were sufficient to cause a

discharge or flow from any of the designated outfalls. Note that because of low pool levels in sediment basins due to extremely low precipitation in May and June, there were no flows from any of the designated basins when sampling commenced on July 12 except from outfalls 053 and 062 which were due to dewatering of pits left by previous mining operations.

We will provide you data no later than the 28th of the month following the month the sample was collected, which is the reporting schedule required for water monitoring by Indiana regulatory agencies. As such, the July data will be submitted to you no later than the 28th of August. Note that since there may be multiple sampling events in a month, the 28th is used to ensure that laboratories have time to analyze all samples and so we can provide all monthly data in one report. Please let me know of any questions.

Thanks ... Scott

Peabody Energy
7100 Eagle Crest Blvd
Evansville, IN 47715
812-434-8593

From: Janet Pellegrini [<mailto:Pellegrini.Janet@epamail.epa.gov>]
Sent: Friday, August 03, 2012 4:48 PM
To: McGarvie, Scott D.
Cc: Patrick Kuefler
Subject: Re: Bear Run Effluent Sampling Plan

Scott,
Thanks for the status report on sampling at Bear Run. I do have a couple of questions related to your report.

1. Were there any rainfall events during the month of July within the Bear Run mine facility?
2. Were those rainfall events sufficient to trigger a discharge or flow at the designated sampling outfalls for the sampling plan?

The June 28, 2012 Peabody sampling plan committed to conducting 2 sampling events per outfall per month, one base flow and one under precipitation conditions.

Additionally, EPA requests that the data from any sampling be submitted, per the March 22, 2012 EPA request, every 30 days after water quality sampling begins. Since you sampled on July 12, 2012, we would expect to receive sampling results by August 12, 2012.

thanks much,

Janet Pellegrini
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▼ "McGarvie, Scott D." ---08/03/2012 09:20:04 AM---Janet, below is an update for July: Dry condition samples were collected from outfalls 053 and 062 o

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To: Janet Pellegrini/R5/USEPA/US@EPA,
Date: 08/03/2012 09:20 AM
Subject: Bear Run Effluent Sampling Plan

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Dry condition samples were collected from outfalls 053 and 062 on July 12 and on the same day no-flows were documented for outfalls 03R, 18R, 044 and 058. Since sampling commenced in July, there has been insufficient precipitation to collect wet condition samples from outfalls 03R, 18R, 044, 053, 058 and 062.

Please let me know if any questions, etc.

Regards ... Scott

Peabody Energy
7100 Eagle Crest Blvd
Evansville, IN 47715
812-434-8593

From: McGarvie, Scott D.
Sent: Wednesday, June 27, 2012 10:46 AM
To: 'Janet Pellegrini'
Cc: Fry, Eric; West, Bryce
Subject: RE:

Janet:

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Does this help?

Thanks ... Scott

From: Janet Pellegrini [<mailto:Pellegrini.Janet@epamail.epa.gov>]
Sent: Wednesday, June 27, 2012 9:54 AM

To: West, Bryce
Cc: Fry, Eric; McGarvie, Scott D.
Subject: Re:

Bryce,
Thanks for responding, especially since you are on vacation.
I will send my question to Eric and Scott

Eric, Scott,
I understand from reviewing all of the data you've submitted that sampling does take place even when there is no flow at an NPDES outfall.
Can you explain how that is done?
Additionally, the sampling plan submitted in response to the 308 request includes sampling during a base flow condition, can you also define that condition and how the sampling is done for that event as well?

thanks much,

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
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Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

▼ "West, Bryce" ---06/27/2012 06:42:15 AM---Janet I'm away on vacation this week, and your voice mail did not come thru very well. I believe you

From: "West, Bryce" <BWest@peabodyenergy.com>
To: Janet Pellegrini/R5/USEPA/US@EPA,
Cc: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>, "Fry, Eric" <EFry@peabodyenergy.com>
Date: 06/27/2012 06:42 AM
Subject:

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812-434-8500.
Thanks
Bryce

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----- Forwarded by Janet Pellegrini/R5/USEPA/US on 05/23/2013 02:14 PM -----

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>
To: Janet Pellegrini/R5/USEPA/US@EPA,
Cc: "Olyphant, Jeffrey" <JOlyphant@peabodyenergy.com>
Date: 08/27/2012 02:05 PM
Subject: RE: Bear Run Effluent Sampling Plan

Janet, attached is the July Effluent Sampling Data Report. The original is being sent to you via UPS.

Please let me know if you have any questions.

Thanks ... Scott

From: McGarvie, Scott D.
Sent: Monday, August 06, 2012 11:33 AM
To: 'Janet Pellegrini'
Subject: Bear Run Effluent Sampling Plan

Janet, regarding your questions below:

1. The following precipitation events were recorded in July by a rain gage located at the Bear Run mine office:

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July 1	0.19"
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Thanks ... Scott

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From: Janet Pellegrini [<mailto:Pellegrini.Janet@epamail.epa.gov>]
Sent: Friday, August 03, 2012 4:48 PM
To: McGarvie, Scott D.
Cc: Patrick Kuefler
Subject: Re: Bear Run Effluent Sampling Plan

Scott,
Thanks for the status report on sampling at Bear Run. I do have a couple of questions related to your report.

1. Were there any rainfall events during the month of July within the Bear Run mine facility?
2. Were those rainfall events sufficient to trigger a discharge or flow at the designated sampling outfalls for the sampling plan?

The June 28, 2012 Peabody sampling plan committed to conducting 2 sampling events per outfall per month, one base flow and one under precipitation conditions.

Additionally, EPA requests that the data from any sampling be submitted, per the March 22, 2012 EPA request, every 30 days after water quality sampling begins. Since you sampled on July 12, 2012, we would expect to receive sampling results by August 12, 2012.

thanks much,

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Date: 08/03/2012 09:20 AM
Subject: Bear Run Effluent Sampling Plan

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Dry condition samples were collected from outfalls 053 and 062 on July 12 and on the same day no-flows were documented for outfalls 03R, 18R, 044 and 058. Since sampling commenced in July, there has been insufficient precipitation to collect wet condition samples from outfalls 03R, 18R, 044, 053, 058 and 062.

Please let me know if any questions, etc.

Regards ... Scott

Peabody Energy

7100 Eagle Crest Blvd
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812-434-8593

From: McGarvie, Scott D.
Sent: Wednesday, June 27, 2012 10:46 AM
To: 'Janet Pellegrini'
Cc: Fry, Eric; West, Bryce
Subject: RE:

Janet:

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Does this help?

Thanks ... Scott

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Sent: Wednesday, June 27, 2012 9:54 AM
To: West, Bryce
Cc: Fry, Eric; McGarvie, Scott D.
Subject: Re:

Bryce,
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I will send my question to Eric and Scott

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Can you explain how that is done?
Additionally, the sampling plan submitted in response to the 308 request includes sampling during a base flow condition, can you also define that condition and how the sampling is done for that event as well?

thanks much,

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77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590

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fax: (312) 692-2436

▼ "West, Bryce" ---06/27/2012 06:42:15 AM---Janet I'm away on vacation this week, and your voice mail did not come thru very well. I believe you

From: "West, Bryce" <BWest@peabodyenergy.com>
To: Janet Pellegrini/R5/USEPA/US@EPA,
Cc: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>, "Fry, Eric" <EFry@peabodyenergy.com>
Date: 06/27/2012 06:42 AM
Subject:

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Thanks
Bryce

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your system. BR 308 Submittal July 2012.pdf

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 05/23/2013 02:14 PM -----

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>
To: Janet Pellegrini/R5/USEPA/US@EPA,
Date: 08/28/2012 11:57 AM
Subject: RE: Bear Run Effluent Sampling Plan

Janet, anytime is fine. How about 1:30 CDT?

From: Janet Pellegrini [mailto:Pellegrini.Janet@epamail.epa.gov]
Sent: Tuesday, August 28, 2012 11:31 AM
To: McGarvie, Scott D.
Subject: RE: Bear Run Effluent Sampling Plan

Scott,
Thanks for the effluent chemistry report.
I do have a question for you, can I call you sometime today?
Let me know when its convenient for you.....

thanks
Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

▼ "McGarvie, Scott D." ---08/27/2012 02:05:37 PM---Janet, attached is the July Effluent Sampling Data Report. The original is being sent to you via U

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>
To: Janet Pellegrini/R5/USEPA/US@EPA,
Cc: "Olyphant, Jeffrey" <JOlyphant@peabodyenergy.com>
Date: 08/27/2012 02:05 PM
Subject: RE: Bear Run Effluent Sampling Plan

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Sent: Friday, August 03, 2012 4:48 PM
To: McGarvie, Scott D.
Cc: Patrick Kuefler
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To: 'Janet Pellegrini'
Cc: Fry, Eric; West, Bryce
Subject: RE:

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----- Forwarded by Janet Pellegrini/R5/USEPA/US on 05/23/2013 02:14 PM -----

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>
To: Janet Pellegrini/R5/USEPA/US@EPA,
Date: 09/21/2012 04:46 PM
Subject: RE: Bear Run Effluent Sampling Plan

Janet, I passed your request up the ladder and we will commit to collecting supplemental samples to those required by the approved plan through October. Hopefully we'll get some rain and be able to provide you with additional data. Sorry I didn't get back to you before today by phone, so feel free to call me Monday if you like.

Thanks ... Scott

Peabody Energy
7100 Eagle Crest Blvd
Evansville, IN 47715
812-434-8593

From: Pellegrini.Janet@epamail.epa.gov [mailto:Pellegrini.Janet@epamail.epa.gov]
Sent: Monday, September 17, 2012 1:16 PM
To: McGarvie, Scott D.
Subject: Re: Bear Run Effluent Sampling Plan

Scott,
Yes, I will be in the office everyday except this coming friday (Sept 21st)
thanks,
Janet

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

▼ "McGarvie, Scott D." ---09/17/2012 01:13:57 PM---Janet, I received your phone message and we'll need to call you back later in the week. Hopes this

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To: Janet Pellegrini/R5/USEPA/US@EPA,
Date: 09/17/2012 01:13 PM
Subject: Bear Run Effluent Sampling Plan

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Thanks ... Scott

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----- Forwarded by Janet Pellegrini/R5/USEPA/US on 05/23/2013 02:14 PM -----

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>
To: Janet Pellegrini/R5/USEPA/US@EPA,
Cc: "Olyphant, Jeffrey" <JOlyphant@peabodyenergy.com>
Date: 09/27/2012 05:39 PM
Subject: RE: Bear Run Effluent Sampling Plan

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To: 'Janet Pellegrini'
Cc: Olyphant, Jeffrey
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Peabody Energy
7100 Eagle Crest Blvd
Evansville, IN 47715
812-434-8593

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Sent: Friday, August 03, 2012 4:48 PM
To: McGarvie, Scott D.
Cc: Patrick Kuefler
Subject: Re: Bear Run Effluent Sampling Plan

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Regards ... Scott

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From: McGarvie, Scott D.

Sent: Wednesday, June 27, 2012 10:46 AM
To: 'Janet Pellegrini'
Cc: Fry, Eric; West, Bryce
Subject: RE:

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Sent: Wednesday, June 27, 2012 9:54 AM
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Cc: Fry, Eric; McGarvie, Scott D.
Subject: Re:

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To: Janet Pellegrini/R5/USEPA/US@EPA,
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Bryce

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 BR 308 Aug 2012 Cover Letter.pdf

 BR 308 Aug 2012 Combined Attachments.pdf

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To: Janet Pellegrini/R5/USEPA/US@EPA,
Cc: "Olyphant, Jeffrey" <JOlyphant@peabodyenergy.com>
Date: 10/25/2012 01:50 PM

Subject: RE: Bear Run Effluent Sampling Plan

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Cc: "Olyphant, Jeffrey" <JOlyphant@peabodyenergy.com>
Date: 11/16/2012 04:51 PM
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To: Janet Pellegrini/R5/USEPA/US@EPA,
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Date: 11/27/2012 08:41 AM
Subject: RE: Bear Run Effluent Sampling Plan

Janet, can you please confirm that you received both my below email and the hard copy which was sent to 77 West Jackson Blvd. #WN-16J. The UPS delivery receipt lists the package as being singed for at 77 E Jackson St.

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Cc: Olyphant, Jeffrey
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EPA-R5-2017-008149RR-71

**Janet
Pellegrini/R5/USEPA/US**

08/07/2013 03:23 PM

To Janet Pellegrini

cc

bcc

Subject Fw: Indiana Sulfate Standard

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 08/07/2013 03:23 PM -----

From: David Pfeifer/R5/USEPA/US
To: Janet Pellegrini/R5/USEPA/US@EPA,
Date: 04/26/2012 12:11 PM
Subject: Re: Indiana Sulfate Standard



IN Sulfate Final Rule.pdf ROD IN Sulfates 11-08.pdf Approval letter IN Sulfates 11-6-08.pdf

We approved 11/6/08. The current standard is contained in the first attachment. Our basis for approval is in the second attachment (basically, the new sulfate standard is based on acute toxicity data for sulfates, the earlier value was not). This criterion is based on acute data only. We are working on generated chronic data now.

David Pfeifer
Water Quality Standards
USEPA, Region 5

phone: 312-353-9024
fax: 312-582-5164
e-mail: pfeifer.david@epa.gov

Janet Pellegrini

Hi Dave, I have a few quick questions r...

04/26/2012 09:54:15 AM

From: Janet Pellegrini/R5/USEPA/US
To: David Pfeifer/R5/USEPA/US@EPA
Cc: Linda Holst/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA
Date: 04/26/2012 09:54 AM
Subject: Indiana Sulfate Standard

Hi Dave,
I have a few quick questions re the sulfate standard for Indiana.
This pertains to data and recent discussions we've had from/with Peabody Midwest Mining regarding listed impairments for sulfates in Busseron Creek.

What is the current sulfate standard and when was it approved by EPA?
What was the prior standard?, presuming it was more restrictive.
If there's some brief overview why the change was appropriate, that would aid in our understanding of this

topic.

thanks much,
Janet

Janet Pellegrini
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EPA-R5-2017-008149RR-72

**Janet
Pellegrini/R5/USEPA/US**

08/13/2013 05:12 PM

To Janet Pellegrini

cc

bcc

Subject Fw: Actions in response to IN petition protocol - IDEM's
Austin anti degradation documents

Janet Pellegrini
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fax: (312) 692-2436

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 08/13/2013 05:12 PM -----

From: Janet Pellegrini/R5/USEPA/US
To: Stephen Jann/R5/USEPA/US@EPA,
Date: 10/12/2012 09:31 AM
Subject: Re: Actions in response to IN petition protocol - IDEM's Austin anti degradation documents

Steve,
I obtained the justification from IDEM's permit writer Leigh Voss for Austin permit (attached).
I am including my anti - deg review file as well.



Austin antideg.docx



AustinResponseLetter.pdf



Austin ELPC Comment.pdf

Janet Pellegrini
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77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

Stephen Jann

Yes, please ask for the McCordsville p...

09/28/2012 02:08:59 PM

From: Stephen Jann/R5/USEPA/US
To: Janet Pellegrini/R5/USEPA/US@EPA,
Date: 09/28/2012 02:08 PM
Subject: Re: Actions in response to IN petition protocol

Yes, please ask for the McCordsville permit and fact sheet.

The antideg. portion of our checklist for Jeffersonville and Austin indicate that limits went up . Presumably

we have a file on these permits. Need to check the file to see if it provides an analysis by IDEM of the reasons why the increases are acceptable under antideg. If the file does not address this, then need to contact IDEM to get copy of fact sheets and written antideg. analysis that they did in conjunction with the reissuance.

Stephen M. Jann
Chief, Section 2
NPDES Programs Branch (WN-16J)
EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446
jann.stephen@epa.gov

-----Janet Pellegrini/R5/USEPA/US wrote: -----

To: Stephen Jann/R5/USEPA/US@EPA
From: Janet Pellegrini/R5/USEPA/US
Date: 09/26/2012 02:49PM
Subject: Re: Actions in response to IN petition protocol

Steve,
Attached are anti degradation section only of the permit review checklist for 2 of the 3 permits listed.

McCordsville (IN0060542) is a minor permit, do you want me to request a copy of that permit from IDEM?

<http://www.epa-echo.gov/cgi-bin/get1cReport.cgi?tool=echo&IDNumber=110006764251>

(See attached file: Jeffersonville-antideg.docx)

(See attached file: Austin antideg.docx)

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

Stephen Jann---09/20/2012 09:29:14 AM---Could I get a report on the status of the 1st, 2nd, 5th, 6th, 7th, and 8th action items listed in th

From: Stephen Jann/R5/USEPA/US
To: David Pfeifer/R5/USEPA/US@EPA, Janet Pellegrini/R5/USEPA/US@EPA, Julianne Socha/R5/USEPA/US@EPA, Ryan Bahr/R5/USEPA/US@EPA, Felicia Chase/R5/USEPA/US@EPA, Maria Gonzalez/R5/USEPA/US@EPA,
Date: 09/20/2012 09:29 AM
Subject: Actions in response to IN petition protocol

Could I get a report on the status of the 1st, 2nd, 5th, 6th, 7th, and 8th action items listed in the attachment below? For actions that flow from receipt of a document from the State (e.g., new antideg. rules), feel free to report that we have yet to receive the document.

[attachment "in petition protocol actions.docx" deleted by Janet Pellegrini/R5/USEPA/US]

Stephen M. Jann
Chief, Section 2
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77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446
jann.stephen@epa.gov

[attachment "Jeffersonville-antideg.docx" removed by Stephen Jann/R5/USEPA/US]

[attachment "Austin antideg.docx" removed by Stephen Jann/R5/USEPA/US]

EPA-R5-2017-008149RR-73

**Janet
Pellegrini/R5/USEPA/US**

08/13/2013 05:14 PM

To Janet Pellegrini

cc

bcc

Subject Fw: Actions in response to IN petition protocol - Jeffersonville
IN

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
fax: (312) 692-2436

----- Forwarded by Janet Pellegrini/R5/USEPA/US on 08/13/2013 05:14 PM -----

From: Janet Pellegrini/R5/USEPA/US
To: Stephen Jann/R5/USEPA/US@EPA,
Cc: George Azevedo/R5/USEPA/US@EPA, Patrick Kuefler/R5/USEPA/US@EPA
Date: 10/04/2012 02:12 PM
Subject: Re: Actions in response to IN petition protocol - Jeffersonville IN

Steve,

I wanted to run Jeffersonville, IN by you to ensure I am completing the task properly.
Jeffersonville, IN is along the Ohio River right next to New Albany, IN and across from Louisville, KY.

I consulted with George on Jeffersonville regarding phosphorus, since he had mentioned to me the Ohio River is experiencing large algal blooms, and this could affect downstream use, per drinking water intakes for cities along the Ohio River. Evansville, IN is a large city downstream of Jeffersonville.

I updated my file (attached) with the version of the permit that was commented on by ELPC and its the March 13, 2009 final permit modification.



Jeffersonville-antideg.docx

Phosphorus:

ELPC commented on the lack of P limits, in response IDEM stated in the fact sheet page 4, that their rules at 327 IAC 5., 327 IAC 5-10-2 & 327 IAC 5-10-4 do not apply to discharges at Jeffersonville WWTP, and so therefore no limits need to be developed. In my file above I included details of my review on these rule citations. Summary below:

327 IAC 5-10-2(a)(2)

Clearly allows IDEM, through commissioner authority, to justify a phosphorus RPA in order to protect downstream uses & WQS.

I am also attaching the excerpted comments from ELPC on Jeffersonville, Austin and McCordsville and the portion of the IDEM Jeffersonville March 2009 permit with their responses re P and anti-degradation.

ELPC comments



20121004130154762.pdf

Jeffersonville permit



20121004130139360.pdf

Janet Pellegrini
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fax: (312) 692-2436

Stephen Jann

Yes, please ask for the McCordsville p...

09/28/2012 02:08:59 PM

From: Stephen Jann/R5/USEPA/US
To: Janet Pellegrini/R5/USEPA/US@EPA,
Date: 09/28/2012 02:08 PM
Subject: Re: Actions in response to IN petition protocol

Yes, please ask for the McCordsville permit and fact sheet.

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jann.stephen@epa.gov

-----Janet Pellegrini/R5/USEPA/US wrote: -----

To: Stephen Jann/R5/USEPA/US@EPA
From: Janet Pellegrini/R5/USEPA/US
Date: 09/26/2012 02:49PM
Subject: Re: Actions in response to IN petition protocol

Steve,
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<http://www.epa-echo.gov/cgi-bin/get1cReport.cgi?tool=echo&IDNumber=110006764251>

(See attached file: Jeffersonville-antideg.docx)

(See attached file: Austin antideg.docx)

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Stephen Jann---09/20/2012 09:29:14 AM---Could I get a report on the status of the 1st, 2nd, 5th, 6th, 7th, and 8th action items listed in th

From: Stephen Jann/R5/USEPA/US
To: David Pfeifer/R5/USEPA/US@EPA, Janet Pellegrini/R5/USEPA/US@EPA, Julianne Socha/R5/USEPA/US@EPA, Ryan Bahr/R5/USEPA/US@EPA, Felicia Chase/R5/USEPA/US@EPA, Maria Gonzalez/R5/USEPA/US@EPA,
Date: 09/20/2012 09:29 AM
Subject: Actions in response to IN petition protocol

Could I get a report on the status of the 1st, 2nd, 5th, 6th, 7th, and 8th action items listed in the attachment below? For actions that flow from receipt of a document from the State (e.g., new antideg. rules), feel free to report that we have yet to receive the document.

[attachment "in petition protocol actions.docx" deleted by Janet Pellegrini/R5/USEPA/US]

Stephen M. Jann
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jann.stephen@epa.gov

[attachment "Jeffersonville-antideg.docx" removed by Stephen Jann/R5/USEPA/US]
[attachment "Austin antideg.docx" removed by Stephen Jann/R5/USEPA/US]

EPA-R5-2017-008149RR-74

**Janet
Pellegrini/R5/USEPA/US**

08/29/2013 10:25 AM

To Janet Pellegrini

cc

bcc

Subject Fw: Letter to Kasey Barton - June 28, 2012

Janet Pellegrini
Environmental Scientist
USEPA Region 5, Water Division, NPDES Branch
77 West Jackson Blvd. #WN-16J
Chicago, IL 60604-3590
phone: (312) 886-4298
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----- Forwarded by Janet Pellegrini/R5/USEPA/US on 08/29/2013 10:25 AM -----

From: Janet Pellegrini/R5/USEPA/US
To: Patrick Kuefler/R5/USEPA/US@EPA,
Cc: Kevin Pierard/R5/USEPA/US@EPA
Date: 06/28/2012 04:32 PM
Subject: Fw: Letter to Kasey Barton - June 28, 2012

Pat, Kevin,
Attached is Peabody's June 28, 2012 final sampling plan , that has all requested elements.
I find this plan acceptable with no further comments necessary .

Janet Pellegrini
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----- Forwarded by Janet Pellegrini/R5/USEPA/US on 06/28/2012 04:30 PM -----

From: "Watson, John W" <John.Watson@bakermckenzie.com>
To: Kasey Barton/R5/USEPA/US@EPA,
Cc: Janet Pellegrini/R5/USEPA/US@EPA
Date: 06/28/2012 03:59 PM
Subject: Letter to Kasey Barton - June 28, 2012
Sent by: "Cortes, Ada" <Ada.Cortes@bakermckenzie.com>

<<Letter to Kasey Barton - June 28, 2012.pdf>>
Please see attached letter. Thank you.

Ada Cortes
Assistant to John W. Watson

Baker & McKenzie LLP
300 East Randolph Street, Suite 5000
Chicago, Illinois 60601, USA
Tel: +1 312-861-2964
Fax: +1 312-698-2972

Ada.Cortes@Bakermckenzie.com

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Letter to Kasey Barton - June 28, 2012.pdf

EPA-R5-2017-008149RR-75

Kevin Pierard /R5/USEPA/US

To Stephen Jann

cc Kevin Pierard

bcc

Subject Re: Fw: Please Read: Response requested: IDEM
2011-2013 Environmental Performance Partnership
Agreement (EnPPA)

The current joint priority language says develop and implement a schedule for conversion of general PBR to administratively issued GPs. The Easterly schedule did not give a detail of the schedule for finalizing each GP. I thought that might strengthen the commitment if we included such a detailed schedule requirement in the joint priority.

Stephen Jann

[The Easterly letter includes a schedule...](#)

06/07/2011 12:44:53 PM

From: Stephen Jann/R5/USEPA/US
To: Kevin Pierard/R5/USEPA/US@EPA
Date: 06/07/2011 12:44 PM
Subject: Re: Fw: Please Read: Response requested: IDEM 2011-2013 Environmental Performance Partnership Agreement (EnPPA)

The Easterly letter includes a schedule for action on administrative issuance of the general permits. It says IDEM will public notice the permits by July and issue the permits by late 2011/2012. They are behind schedule, but not by a great deal. I suggest that we keep the schedule in the Easterly letter alone and revise the statement of the joint priority to say "convert general permits-by-rule to administratively issued general permits." This would communicate a joint priority but not provide relief in writing relative to the dates in the Easterly letter.

Stephen M. Jann
Chief, Section 2
NPDES Programs Branch (WN-16J)
EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-2446
jann.stephen@epa.gov

Kevin Pierard

[Comment 52 should be incorporated so...](#)

06/07/2011 11:01:54 AM

EPA-R5-2017-008149RR-76

David Pfeifer

To

cc

bcc

Subject UPLOAD
C:\Users\Dpfeifer\Documents\EPAWork\WQS\IN\17 antideg
FOIA\Binder 1, Second Notice of Comment Period, Dec 16,
2009 - recd 31 comments letters.pdf



- Binder 1, Second Notice of Comment Period, Dec 16, 2009 - recd 31 comments letters.pdf

EPA-R5-2017-008149RR-77

David Pfeifer

To

cc

bcc

Subject UPLOAD
C:\Users\Dpfeifer\Documents\EPAWork\WQS\IN\17 antideg
FOIA\second batch\Binder 1, 1 First Notice of Comment
Period, Oct 15, 2008 - recd 17 comment letters.pdf



- Binder 1, 1 First Notice of Comment Period, Oct 15, 2008 - recd 17 comment letters.pdf

EPA-R5-2017-008149RR-78

David Pfeifer

To

cc

bcc

Subject UPLOAD
C:\Users\Dpfeifer\Documents\EPAWork\WQS\IN\17 antideg
FOIA\second batch\Binder 2 - 8 Summary-Response to
Comments from the First Comment Period.pdf



- Binder 2 - 8 Summary-Response to Comments from the First Comment Period.pdf

EPA-R5-2017-008149RR-79

David Pfeifer

To

cc

bcc

Subject UPLOAD
C:\Users\Dpfeifer\Documents\EPAWork\WQS\IN\17 antideg
FOIA\second batch\Binder 2 - 9 Summary-Response to
Comments from the Second Comment Period.pdf



- Binder 2 - 9 Summary-Response to Comments from the Second Comment Period.pdf

EPA-R5-2017-008149RR-80

Mark Ackerman

To

cc

bcc

Subject UPLOAD
C:\Users\MAckerma\Documents_MovedData\EPAWork\NP
DES\Somervill East\Responsive\2005_04_15 Permit
Somerville East.tif



- 2005_04_15 Permit Somerville East.tif